

Case No. SCSL-2004-15-T
THE PROSECUTOR OF
THE SPECIAL COURT
V.
ISSA SESAY
MORRIS KALLON
AUGUSTINE GBAO

TUESDAY, 29 APRIL 2008
9.40 A.M.
TRIAL

TRIAL CHAMBER I

Presiding

Before the Judges:

Benjamin Mutanga Itoe,
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Peace Malleni
Mr Felix Nkongho
Ms Sandra Brown

For the Registry:

Ms Advera Kamuzora

For the Prosecution:

Mr Peter Harrison
Mr Charles Hardaway
Mr Reginald Fynn
Mr Joseph Kamara

For the accused Issa Sesay:

Mr Wayne Jordash

For the accused Morris Kallon:

Mr Charles Taku
Mr Kennedy Ogeto
Ms Lois Mbafor

For the accused Augustine Gbao:

Mr John Cammegh
Mr Scott Martin

1 [RUF29APR08A-BP]

2 Monday, 29 April 2008

3 [Open session]

4 [The accused present]

09:46:05 5 [Upon commencing at 9.40 a.m.]

6 [The witness entered Court]

7 PRESIDING JUDGE: Learned counsel, good morning. In
8 particular, good morning to Mr Kamara. I'm surprised to see
him
9 here. You're welcome to the proceedings, Mr Kamara.

09:53:48 10 MR KAMARA: Thank you.

11 PRESIDING JUDGE: You haven't introduced yourself. I
don't
12 think you need to, so we acknowledge your presence. You are
13 welcome.

14 MR KAMARA: I appreciate it, My Lord.

09:54:04 15 PRESIDING JUDGE: We would proceed with our -- with the
16 next witness and, yes, this is --

17 MR OGETO: This is a new witness.

18 PRESIDING JUDGE: Yes, a new witness. That's why I said
we
19 should proceed with a new witness.

09:54:35 20 MR OGETO: Yes, My Lords. Perhaps he should be sworn.

21 PRESIDING JUDGE: He has not been sworn in yet.

22 MR OGETO: No.

23 PRESIDING JUDGE: That's why I was looking around, you

24 know.

09:46:05 25 WITNESS: DMK-132 [Sworn]

26 [The witness answered through interpreter]

27 PRESIDING JUDGE: This will be the eighth witness.

28 Mr Ogeto, is this the eighth witness?

29 MR OGETO: Eighth witness, My Lords.

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1 PRESIDING JUDGE: Yes. Is he sworn on the Bible?

2 MR OGETO: On the Koran, My Lords.

3 PRESIDING JUDGE: On the Koran.

4 MR OGETO: Yes.

09:55:51 5 PRESIDING JUDGE: And he is witness number DMK--

6 MR OGETO: DMK-132, My Lords.

7 PRESIDING JUDGE: Yes, Mr Ogeto, you may proceed,
please.

8 MR OGETO: My Lords, in order to avoid a closed session,
I

9 would request that the witness be given a piece of paper to
write

09:56:12 10 his name. That's the only information that we probably need
to

11 have under seal.

12 JUDGE BOUTET: You mean confidential?

13 MR OGETO: Confidential, yes.

14 PRESIDING JUDGE: You are very sure that it's only the
09:56:30 15 name?

16 JUDGE BOUTET: What about his address and this kind of
17 information. I mean, if you go --

18 PRESIDING JUDGE: His name, his address, work.

19 MR OGETO: Yes, his place of abode may not reveal his
09:56:42 20 identity.

21 PRESIDING JUDGE: You never know.

22 MR OGETO: Okay. We can have --

23 PRESIDING JUDGE: Okay. Let's have his address and his
24 place of abode there on that piece of paper.

09:56:50 25 MR OGETO:
26 Q. Mr Witness, could you please kindly write your name on
that
27 piece of paper, together with your current address; your
current
28 place of abode?

29 PRESIDING JUDGE: And maybe his profession too.

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1 MR OGETO: Yes, My Lords.

2 PRESIDING JUDGE: And his profession.

3

EXAMINED BY MR OGETO:

4

MR OGETO:

09:57:42
You

5

Q. You can also indicate your current occupation, if any.

6

understand?

7

A. I'm understanding you, sir.

8

Q. So, Mr Witness, the first -- the first writing on this

9

paper indicates your name; is that correct?

09:58:58 10

A. Yes, sir.

11

Q. And the second one is your current place of abode?

12

A. Kailahun.

13

Q. Don't mention that, please. Please. We are trying not

to

14

reveal your identity. So the second name indicates your

present

09:59:21 15

place of abode; is that correct?

16

A. Yes, sir.

17

Q. And the third one?

18

A. Farmer.

19

Q. So that is your current occupation?

09:59:43 20

A. Yes, sir.

21

JUDGE BOUTET: So this witness is giving evidence in

Krio?

22

MR OGETO: In Krio, My Lords.

23

THE WITNESS: Yes, sir.

24

PRESIDING JUDGE: Mr Ogeto, you are tendering this, are

10:00:25 25

you?

26

MR OGETO: I'm tendering that, My Lords, confidentially.

27

PRESIDING JUDGE: Yes, the paper is admitted

confidentially

28

and it is marked Exhibit 352 or so?

29 MS KAMUZORA: 353, My Lord.

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1 PRESIDING JUDGE: 353?

2 MS KAMUZORA: Yes, My Lord.

3 PRESIDING JUDGE: Okay.

4 [Exhibit No. 353 was admitted]

10:02:13 5 PRESIDING JUDGE: Yes, Mr Ogeto, you may --

6 MR OGETO: Thank you, My Lords.

7 PRESIDING JUDGE: -- continue, please.

8 MR OGETO:

9 Q. Good morning once again, Mr Witness.

10:02:23 10 A. Morning sir.

11 Q. I have a couple of questions for you, after which my

12 colleagues on this side of the Court may have some questions

for

13 you, and then the Prosecution may also have some questions for

you

14 you afterwards. So listen to my questions carefully. Where

10:02:44 15 do not understand please do not hesitate to seek
clarification;

16 do you understand?

17 A. Yes, sir.

18 Q. How old are you?
19 A. Presently I'm 35.
10:03:08 20 Q. Where were you born?
21 A. Pujehun District.
22 Q. When did you --
23 PRESIDING JUDGE: Where was he born?
24 MR OGETO: Pujehun District, My Lords.
10:03:27 25 Q. When did you join the RUF?
26 A. It was in Pujehun. The RUF captured me.
27 Q. What year?
28 A. 1991.
29 Q. Did you train as a soldier?

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1 A. Yes, sir.
2 Q. Where did you undertake your training?
3 A. It was at Gobaru.
4 Q. How long did your training last?
10:04:11 5 PRESIDING JUDGE: What place? Gobaru?
6 MR OGETO: Gobaru. G-O-B-A-R-U.
7 Q. Where is Gobaru in Sierra Leone?
8 A. In the Pujehun District.

9 Q. How long did your training last?

10:04:39 10 A. Two months.

11 Q. What kind of training did you undergo for those two
months?

12 A. They trained me how to shoot a gun, how to manoeuvre,
how

13 to capture an enemy, and how to couple up an arm.

14 Q. Were you given any other form of training, other than
what

10:05:31 15 you've explained?

16 A. After that training we were trained in an ideology.

17 Q. What kind of ideology, please, very briefly?

18 A. One, no raping; no burning of houses; no stealing.

19 PRESIDING JUDGE: No stealing, he says.

10:06:07 20 MR OGETO: Yes, My Lords.

21 Q. What was your first assignment after your training?

22 A. I was sent at the front line.

23 Q. Which front line?

24 A. Golahun highway. That is the Kenema Highway.

10:06:47 25 Q. When is it you were sent to the Kenema Highway?

26 A. Just after the passing out. That was the time they sent
me

27 at the Kenema Highway.

28 Q. And that would be in 1991?

29 A. Yes, sir.

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1 Q. Do you recall where you were in 1995?

2 A. Yes, sir. I was in the Western Area.

3 Q. What do you mean by Western Area?

4 A. Western Area, that was where Superman was.

10:07:51 5 Q. Does that have a relationship with the Western Jungle?

6 A. I can't understand.

7 Q. Have you heard of the Western Jungle? Have you heard of

8 that name?

9 A. Yes.

10:08:25 10 Q. So this Western Area where you were, does it have any

11 relationship with the Western Jungle?

12 A. Well, Western Area was the Western Jungle. That was the

13 way we used to call it because it was closer to Freetown.

That

14 was why we called it the Western Jungle.

10:08:55 15 Q. Who was the commander of the Western Area at the time
you

16 went there?

17 A. It was Mohamed Tarawallie.

18 Q. Did anybody subsequently take over from Mohamed
Tarawallie?

19 A. Yes, sir, Superman took over.

10:09:37 20 Q. Do you recall when Superman took over from Mohamed

21 Tarawallie?

22 A. Well, that was the time when the Pa called Mohamed

23 Tarawallie in order for him to take over Zogoda.

24 Q. And when you say the Pa, what do you mean?

10:10:14 25 A. It was Foday Sankoh who called Mohamed Tarawallie in
order
26 for him to take over Zogoda.
27 Q. Can you recall when that happened?
28 A. In order for Mohamed Tarawallie to take over, I think it
29 was 1995.

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1 Q. Can you recall some of the officers who were present at
the
2 Western Jungle or the Western Area at the time you were there?

3 A. Yes, sir. One, xxxxxxxxxx; Komba Gbundema; we had
4 Lieutenant Abdul; we had Rambo and junior commandoes and
others.

10:11:48 5 Q. What were your duties at the Western Jungle?

6 A. Well, I was a security during that time.

7 Q. What kind of security were you?

8 A. I was a security to Superman.

9 Q. About how many soldiers were at the Western Jungle at
the
10:12:23 10 time you were there in 1995?

11 A. Well, it was a battalion that was based there; we were
more
12 than 500.

13 Q. For how long were you at the Western Jungle?
14 A. I was in the Western Jungle between five to six months.
10:13:07 15 Q. Where were you during the coup of May 1997?
16 A. I was in Kailahun.
17 Q. For how long had you been in Kailahun at the time the
coup
18 took place?
19 A. Well, I went to Kailahun in '96. Let me say it wasn't
up
10:13:53 20 to five months.
21 Q. What were you doing in Kailahun at that time?
22 A. Well, we went there on escort. We escorted wounded
23 soldiers.
24 Q. Who are these wounded soldiers that you escorted to
10:14:12 25 Kailahun?
26 A. xxxxxxxx, Black Jesus.
27 PRESIDING JUDGE: xxxxxxxx and who? Black?
28 THE WITNESS: Black Jesus.
29 MR OGETO:

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1 Q. Did you continue to stay in Kailahun?
2 PRESIDING JUDGE: Who was Black Jesus?

3 MR OGETO: Sorry, My Lords.

4 PRESIDING JUDGE: Who was Black Jesus,

10:14:48 5 THE WITNESS: He was one of the senior men.

6 PRESIDING JUDGE: This must have been a pseudonym. What
7 was his other name? What was his real name?

8 THE WITNESS: I don't know his real name.

9 PRESIDING JUDGE: You didn't know it. Yes, Mr Ogeto.

10:15:08 10 MR OGETO: Thank you, My Lords.

11 Q. Did you continue to stay in Kailahun after the coup?

12 A. Just after the coup, when Johnny Paul called upon our
13 authority, it was within the same month when we left.

14 Q. Where did you leave for?

10:15:38 15 A. From Kailahun, we went to Freetown but we passed through
16 Lungi.

17 Q. Who did you go with to Freetown?

18 A. I was with Titus Tarawallie and SBY [sic] Rogers, who
was
19 the head.

10:16:19 20 Q. Were there any other people with you?

21 A. Yes, sir, there were people because we were given a bus
and
22 a truck. Those are the ones we went with.

23 Q. So where exactly in Freetown did you base?

24 A. We went and met Superman at Hastings and we stayed there
10:16:56 25 initially.

26 Q. For how long were you at Hastings with Superman?

27 A. Well, at Hastings, we did not stay there for two weeks.
He
28 sent us down to Jui.

29 Q. He sent you and who to Jui?

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1 A. The commander. The commander's name was Black Culture.

2 Q. Did Black Culture have any other name?

3 A. I only knew his nickname.

4 PRESIDING JUDGE: Was it Black Culture?

10:18:02 5 MR OGETO: Yes, My Lords.

6 THE WITNESS: Yes, sir.

7 MR OGETO:

8 Q. For how long were you based at Jui?

9 A. Well, at Jui, I did not spend a month there.

10:18:27 10 Q. Now, while at Hastings, did you see any soldiers who had
11 been with you at the Western Jungle?

12 A. Yes, sir. At Hastings, the Western Jungle, we were
based
13 there, headed by Superman.

14 Q. About how many of these soldiers who had been at the
10:19:05 15 Western Jungle did you see at Hastings?

16 A. I saw many of them because the battalion who was with us
at
17 the Western Area, it was the one that migrated and stayed at
18 Hastings.

19 Q. Now, when you moved to Jui, did you move with any of
these

10:19:38 20 soldiers?

21 A. No, I only went -- only myself went to Superman at Spur
22 Road, where he was based.

23 Q. So from Jui you moved to Spur Road with Superman; is
that
24 your testimony?

10:20:10 25 A. Yes, sir.

26 Q. But my question was: From Hastings did you move with
any
27 other soldiers who were there to Jui?

28 A. Yes, sir, because before I went to Jui Superman
appointed
29 one commander with whom we went and we were there.

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1 Q. So how many of these soldiers who were at Hastings moved
to
2 Jui?

3 A. Let me say a platoon; 62.

4 Q. So you say you subsequently moved to Spur Road with
10:21:06 5 Superman. What were your duties at Spur Road?

6 A. Well, as I have said, I was in -- I was with Superman in
7 the Western Area, so, unfortunately I was in Kailahun. So as

I

8 came, I went to him straight.

9 Q. So what were your duties with him at Spur Road?

10:21:39 10 A. Well, I was a security to him.

11 JUDGE BOUTET: Security, you mean you were his
bodyguard?

12 THE WITNESS: Yes, sir.

13 JUDGE BOUTET: Thank you.

14 MR OGETO:

10:21:59 15 Q. Did he have any other bodyguards, apart from you?

16 A. Yes, sir.

17 THE INTERPRETER: The interpreter cannot get the witness
18 clearly because --

19 PRESIDING JUDGE: Move closer to the microphone.

10:22:21 20 MR OGETO:

21 Q. Can you repeat your answer, please? How many other
22 bodyguards did he have?

23 A. We were more than two squads.

24 Q. Which number is that?

10:22:38 25 A. In our own group, we were 32. For a squad, we took it
to
26 be 15 per squad.

27 Q. For how long were you at Spur Road as security for
28 Superman?

29 PRESIDING JUDGE: So you mean these two squads were all
his

1 bodyguards?

2 THE WITNESS: Yes, sir.

3 MR OGETO:

4 Q. For how long were you at Spur Road as security for --

10:23:30 5 PRESIDING JUDGE: If I may ask: What was his rank then?

6 What was Superman's rank at that time, when he met him in Spur

7 Road?

8 THE WITNESS: Superman was a colonel.

9 PRESIDING JUDGE: Thank you.

10:23:50 10 MR OGETO:

11 Q. For how long were you at Spur Road with Superman?

12 A. Well, we stayed with him until the time we pulled out --

we

13 pulled out, but I did not pull out with him together.

14 Q. When is it that you pulled out?

10:24:23 15 A. We pulled out during February.

16 Q. Which February?

17 A. 1998.

18 Q. And that will be after the intervention; is that
correct?

19 A. Yes, sir.

10:24:51 20 Q. Now, during the time that you were in Freetown, do you
know

21 if -- let me rephrase it. During this period when you were in

22 Freetown, are you able to estimate the number of soldiers in

23 Freetown who had been with you at the Western Jungle?

24 A. There were many. As I have stated, in the Western Area,
10:25:36 25 wherever Superman was based, soldiers will go there, so we
were
26 many. We were many.
27 Q. About how many roughly?
28 A. Let me say 200, because I used to see men around. We
were
29 up to 200.

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1 Q. Do you know who these soldiers were reporting to during
2 that time in Freetown?
3 A. Superman, whom I knew as our own commander, it was to
him
4 that they were reporting.
10:26:24 5 Q. Now, during the intervention how did you leave Freetown?
6 A. Well, I left together with Johnny Paul's group; we went
7 through the Peninsula Road, we went to Tombo.
8 Q. Where did you go to after Tombo?
9 A. After Tombo, we went to Masiaka.
10:27:20 10 Q. And you said you were with who?
11 A. Johnny Paul Koroma.
12 Q. Do you know where Superman was at that time?
13 A. I only met him in Masiaka.

14 Q. So apart from JPK, were there any other persons that you
10:27:53 15 moved out of Freetown with?
16 A. Yes, sir. Gullit, Five-Five, Bazzy, and others.
17 Q. For how long were you at Masiaka?
18 A. Less than a week.
19 Q. Where was Superman during that period?
10:28:40 20 A. He was in Masiaka.
21 Q. Did you see any other RUF officers in Masiaka at that
time?
22 A. Yes, sir. I saw xxxxxx; I saw xxxxxxxx; I saw xxxxxx.
23 Q. Any others that you can recall?
24 A. Yes, sir. Miloskie Kallon was there and one Lieutenant
10:29:52 25 Rambo who was -- and the junior commandos.
26 Q. Do you know the accused person Morris Kallon?
27 A. Yes, sir.
28 Q. Do you recall when you first met him?
29 A. Yes, sir.

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1 Q. When was it?
2 A. I saw him once in Freetown at Wilkinson Road. It's true
3 that we were in a vehicle and went past him.

4 Q. Was that the first time that you met him?

10:30:51 5 A. In Freetown, yes. That was the first time we saw -- we
saw

6 -- we saw him.

7 Q. Had you seen him before that time in Freetown?

8 A. Yes, I knew him before I come to see him in Freetown.

9 Q. How did you know him before you saw him in Freetown?

10:31:32 10 A. I knew Mr Kallon in '93.

Kallon 11 Q. Now, while you were in Masiaka, did you see Morris

12 --

13 PRESIDING JUDGE: You say you saw him first in 1993;
where?

14 THE WITNESS: In Kailahun.

10:32:05 15 JUDGE BOUTET: What was he doing?

16 THE WITNESS: Well, he was an officer at that time.

17 JUDGE BOUTET: But as an officer, was he doing anything?

18 THE WITNESS: He had no appointment. He was only there
as

19 an officer at the ground.

10:32:48 20 MR OGETO:

21 Q. So while at Masiaka did you see Morris Kallon, the
accused

22 person in this case?

23 A. No, I did not see him at all.

24 JUDGE BOUTET: You have just stated that you had seen

10:33:07 25 Miloskie Kallon; who is he?

26 THE WITNESS: Miloskie Kallon, he was the third -- in
the

27 3rd Brigade in Lunsar. He was the brigade commander in
Lunsar.

28 MR OGETO:

you

29 Q. Now, during this period when you were in Masiaka, did

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1 hear of the presence of Morris Kallon in Masiaka?

2 A. I did not hear about him at all.

3 Q. Did you witness any looting in Masiaka during the period
4 that you were there?

10:34:06 5 A. Yes, sir, it was at one instance I saw Sakwie who looted
a 6 motorbike.

7 Q. How do you spell Sakwie? Can you please help the Court?

8 A. Anyway, I don't know, sir.

9 Q. Who was Sakwie?

10:34:47 10 A. He was an SLA.

11 Q. What is it you say he looted and from who?

12 A. Well, he could only looted the bike from a civilian
because 13 during that time we hadn't bikes -- motorbikes.

14 Q. Now, while you were at Masiaka, did you hear of
Operation

10:35:34 15 Pay Yourself?

16 A. Yes, sir. Am I able to explain?

17 Q. In what circumstances did you hear of Operation Pay

18 Yourself?

19 A. Okay. When we arrived in Masiaka with JP, so we were
10:35:55 20 around. Men were grumbling that JP should come and give them
the
21 money, the government money that he came with and he should
give
22 it to them. So there was a day, one particular day in the
23 evening, JP summoned everybody in his house and he told the
24 people present that he didn't come with money and that
everybody

10:36:25 25 should try to pay himself and that he was heading for
Kailahun.

26 Q. So who were these who were making claims about JPK
having
27 come with government money?

28 A. It was the SLAs. Those were the ones that used to
collect
29 salaries while in town because we are not used to that.

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1 Q. So what exactly did they want? Can you please be
clearer?

2 A. As I have told you, they thought that JP had come with
3 money -- the government money -- he had collected it and came
4 with it, and that JP should give them their money so that

10:37:24 5 everybody will go about their way. The man told them that he
did

6 not come with government money, he hadn't money, and that
7 everybody should try to pay themselves.

8 Q. Did you attend this meeting where JPK said this?

9 A. Yes, sir, we were not -- we are staying closer to JP's
10 10:37:56 house.

11 Q. So in what capacity did you attend this meeting?

12 A. Well, we pulled out together with JP, so we were heading
13 for Kailahun. So when he summoned the meeting, all of us went
14 there and listened to what he was saying.

10:38:31 15 Q. Do you know where Superman was at that time during that
16 meeting?

17 A. He was not present in that meeting. The SLA were there.
18 It was just like an SLA whatnot.

19 Q. So why did you attend an SLA meeting yourself?

10:39:03 20 A. Well, what made me to go to attend SLA meeting, because
all
21 of us came together to Masiaka, so I should be there and
monitor.

22 Q. Where did you go to from Masiaka?

23 A. From Masiaka I went to Lunsar and proceeded to Makeni.

24 Q. Did you go alone?

10:39:48 25 PRESIDING JUDGE: Sorry, Mr Ogeto. When JPK said, well,
he
26 didn't bring money from Freetown, as you were saying, as SLAs,
27 according to you were saying, and he said everybody should pay
28 himself, did he explain what he meant by that? Did he say
29 anything in relation to pay yourself? Did that advice or
order

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1 he gave to them, I didn't come with money from Freetown, so
2 everybody should pay himself, what did he say about that? Did
he
3 offer an explanation?

4 THE WITNESS: As I have told the Court, the man was the
10:40:45 5 President, so the soldiers said the man had money and he was
the
6 one paying them.

7 PRESIDING JUDGE: We have heard all that. He was
8 president. So they thought he brought a lot of money from
9 Freetown during the retreat. They said he should give them
the
10:41:05 10 money when they were in Masiaka. He said he did not come with
11 any money and that they should pay themselves. What did he
mean?
12 Did he explain how they would pay themselves?

13 THE WITNESS: That everybody should fend for themselves.
14 Whatever you -- you got, was yours. Operation Pay Yourself
meant
10:41:26 15 that way. That pay yourself, whatever you got was yours.

16 MR OGETO:

17 Q. Whatever you got where?

18 A. From Masiaka on to wherever.

19 Q. So did you travel alone from Masiaka to Makeni?

10:42:01 20 A. No. I, Superman and others, all of us moved together
and

21 went to Makeni.

22 PRESIDING JUDGE: Then Superman went to where?

23 THE WITNESS: All of us went to Makeni because from
Masiaka

24 all of us moved to Makeni.

10:42:37 25 MR OGETO:

26 Q. Did you move with Gullit?

27 A. They went ahead, after JP had given that -- that advice,
28 they went ahead to Makeni.

29 Q. After JPK had given which advice?

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1 A. Operation Pay Yourself.

2 Q. Who did Gullit go with?

3 A. Gullit went with Five-Five, Bazzy and others.

4 Q. Did you get to know why they went ahead of you?

10:43:30 5 A. Yes. According to Gullit, they said they are going to
pave

6 the way in order for JP to go to Kailahun, so they were the
7 advance team for JP.

8 Q. How long were you in Makeni?

9 A. I was in Makeni for a week.

10:44:10 10 Q. Did you hear of any order concerning Operation Pay
Yourself

11 during the time you were in Makeni for that one week?

12 A. The order was not passed in Makeni. It started in
Masiaka

13 and it went up to Kono.

14 Q. So did you hear of anybody giving an order for Operation

10:44:42 15 Pay Yourself while you were in Makeni?

16 A. No, I did not hear that.

17 Q. Did you witness any looting in Makeni?

18 A. Yes, sir. Civilians, SLAs, RUF, you wouldn't
distinguish

19 among them so everybody was.

10:45:18 20 Q. Everybody was?

21 A. Everybody was looting.

22 Q. Do you know where Superman was at that time?

23 A. Well, Superman was in Makeni, but within that week we
24 moved.

10:46:03 25 Q. Did you witness any killings in Makeni at that time?

26 A. No, I did not witness that.

27 Q. What about burning of houses in Makeni while you were
28 there?

29 A. I did not see. I did not see that happen during that
time.

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1 Q. Now, during the period you were in Makeni for one week,
did
2 you see the accused Morris Kallon?

3 PRESIDING JUDGE: When you say during that time you
didn't
4 see any burning of houses during that time, did you at any
time
10:46:56 5 witness the burning of houses? You said during that time when
6 you arrived. Did you at any time subsequently witness the
7 burning of houses?

8 THE WITNESS: In Makeni, no, I did not see that.

9 MR OGETO:

10:47:29 10 Q. So during that one week did you see the accused Morris
11 Kallon in Makeni?

12 A. I did not see him at all.

13 Q. Did you hear of his presence in Makeni during that one
14 week?

10:47:50 15 A. No, sir.

16 Q. From Makeni, where did you go to?

17 A. From Makeni, we went to Kono.

18 Q. Can you recall when you got to Kono?

19 A. Yes, sir.

10:48:24 20 Q. When is it that you got to Kono?

21 A. It was in February when we arrived in Kono; the end of
22 February. That was the time we arrived in Kono.

23 Q. Where was Superman when you got to Kono?

24 A. When we arrived in Kono, Superman was in the township of

10:48:59 25 Kono, but I spent three days and he sent me to the Bumpe
highway
26 combat camp.
27 Q. So who was the commander in Kono when you arrived there
at
28 the end of February '98?
29 A. It was Superman.

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1 Q. So after three days you say you moved to Bumpe; is that
2 correct?
3 A. Yes, sir.
4 Q. And you say it was Superman who sent you there; is that
10:49:47 5 correct?
6 A. Yes, sir.
7 Q. What was your assignment in Bumpe?
8 A. I went there as security -- town security. Rather,
9 combatant security.
10:50:12 10 Q. What does that mean?
would 11 A. Well, Superman, for any mission -- for any target he
12 send security there who were monitoring the situation.
13 Q. Which situation were you monitoring in Bumpe?

14 A. Yes, we were monitoring -- we were there to observe the
10:50:45 15 ECOMOG that went and blocked there.
16 Q. Who was your commander in Bumpe?
17 A. In Bumpe it was one lieutenant, Lieutenant Jah [phon]
who
18 was my commander at that time.
19 Q. Do you know who Lieutenant Jah reported to?
10:51:22 20 A. It was to Superman.
21 Q. For how long were you in Bumpe?
22 A. I was in Bumpe for about three months.
23 Q. During that period did you ever report to the accused
24 Morris Kallon?
10:51:59 25 A. In Bumpe?
26 Q. Yes.
27 A. No, I did not see him in Bumpe.
28 Q. That's not the question. My question is: During the
three
29 months that you were in Bumpe did you yourself report to
Morris

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1 Kallon, the accused person in this case?

2 A. No.

3 Q. During that same period, do you know if your commander,

4 Lieutenant Jah, ever reported to the accused person Morris
10:52:44 5 Kallon?
6 A. No, sir.
7 Q. Where did you move to from Bumpe?
8 A. From Bumpe? When the ECOMOG advanced we came to Guinea
9 Highway where Superman was based.
10:53:19 10 Q. Who was the commander at the Guinea Highway when you
moved
11 there from Bumpe?
12 A. Superman was the commander.
13 Q. What were your duties at the Guinea Highway?
14 A. As I have told you, I was a security. I was a security
to
10:53:47 15 the man, Superman.
16 Q. For how long were you at the Guinea Highway?
17 A. Guinea Highway, when the ECOMOG had pushed us, we were
18 there up to two months. We were there for two months.
19 Q. Where did you move to from Guinea Highway?
10:54:24 20 A. We went to SAJ Musa, Kurubonla.
21 Q. You and who?
22 A. Superman.
23 Q. The two of you?
24 A. No, sir; we were many.
10:54:55 25 Q. And can you recall more specifically when it was that
you
26 moved with Superman to go and join SAJ Musa?
27 A. Yes, sir, it was in September.
28 Q. Would that be September '98?
29 A. Yes, sir.

1 Q. Why is it that you moved from Guinea Highway with
Superman?
2 A. It was Superman who said he was going to open up a
jungle
3 of his own; that made us to move and went to SAJ Musa.
4 Q. Why did he want to open a jungle of his own? Did you
get
10:56:07 5 to know why?
6 A. Well, he and Mosquito could not drink from the same cup,
so
7 he decided to separate from him. That one he told us.
8 Q. So how many of you moved approximately?
9 A. With Superman?
10:56:42 10 Q. Yes.
11 A. We were more than 400 or 500.
12 Q. Now, during your stay in Kono before you moved to go and
13 join SAJ Musa, do you know if there were any soldiers in Kono
who
14 had been with you in the Western Jungle?
10:57:09 15 A. Yes, sir: Komba Gbundema; Rambo; Lieutenant Abdul;
16 Miloskie Kallon and others.
17 Q. What about the rank and file soldiers; were there any
who
18 had been at the Western Jungle?

19 A. Well, at that time we did not have SLAs at the Western
10:57:55 20 Jungle.
21 Q. I'm not asking about SLA. My question is: During the
time
22 that you were in Kono before you moved with SAJ Musa, before
you
23 moved to go and join SAJ Musa with Superman, do you know if
there
24 were any rank and file soldiers in Kono who had been with you
in
10:58:17 25 the Western Jungle?
26 A. Yes, sir. Yes, sir.
27 Q. Approximately how many?
28 A. Well, I wouldn't be able to name them all, but I can
call
29 some names. We had Miloskie Kallon --

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1 Q. Excuse me, I'm not talking about the officers. I'm
talking
2 about ordinary soldiers, foot soldiers, who may have been with
3 you at the Western Jungle. Did you see any of them in Kono
4 during the time you were there before you moved to go and join
10:59:01 5 SAJ Musa?

6 A. There were no soldiers with us at the Western Jungle.
7 Soldiers were not --
8 PRESIDING JUDGE: You can call them RUF fighters. Maybe
he
9 will understand that more better.
10:59:24 10 MR OGETO: Okay.
11 Q. Let me rephrase it.
12 A. Yeah, because --
13 Q. Now, while you were in Kono were there any RUF soldiers
--
14 ordinary soldiers?
10:59:37 15 JUDGE BOUTET: Fighters.
16 PRESIDING JUDGE: RUF fighters.
17 MR OGETO:
18 Q. RUF fighters. Sorry, My Lords. Were there any RUF
19 fighters who had been with you in the Western Jungle?
10:59:51 20 A. Yes, sir, they were there, sir.
21 Q. Can you approximate their number?
22 A. I wouldn't say the number, but I would be able to call
the
23 names. Because it was a battalion, I cannot name all. But we
24 had about ten or fifteen officers from the Western Area.
11:00:32 25 Q. What about the fighters. Forget about the officers.
What
26 about the fighters?
27 A. They were there. They were in Kono.
28 JUDGE BOUTET: You have testified you were about 500, a
29 battalion of 500 in the Western Jungle. Were all the 500 in

1 Kono?

you

2 PRESIDING JUDGE: And the understanding, his evidence,

the

3 know, is that -- you know it was these people who moved from

4 Western Jungle that transferred to Freetown and were under the

11:00:56

5 command of Superman when he was staying in Spur Road. Is that

6 not the state of the evidence?

7 MR OGETO: Yes, My Lords.

8 PRESIDING JUDGE: Yes. So apparently they may have been

9 moving. I don't know.

11:01:08

10 MR OGETO: Yes, that's what I want to clarify.

11 PRESIDING JUDGE: Yes.

12 MR OGETO: Whether they were all present in Kono.

went

13 THE WITNESS: No, not all of us went to Kono. Some

14 remained because we went and opened the way. Not all of us

11:01:25

15 together to Kono. After we had opened up the way, later the

16 other people came.

17 MR OGETO:

18 Q. So can you approximate the number that was in Kono?

19 PRESIDING JUDGE: Can you approximate the number? Your

11:01:40
officers

20 lawyer wants you to approximate the number. Not of the

21 but --

22 THE WITNESS: There will be up to 300 from the Western
23 Area. Let me say 300.

24 MR OGETO:

11:01:56 25 Q. Do you know who they reported to in Kono at the time?

26 A. It was to Superman.

27 Q. During the time that you were in Kono before you moved
28 north with Superman, do you know if the accused Morris Kallon
had
29 any group of soldiers under him?

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1 A. The soldiers that were under Mr Kallon were his
security.

2 They were not a group.

3 Q. Can you recall where you were in February of 2000?

4 A. 2000, I was in the DDR camp in Port Loko.

11:03:17 5 Q. What were you doing at the DDR camp in Port Loko at that
6 time?

7 A. Well, we went and disarmed. After the disarmament we
were
8 there learning some work.

9 Q. How many of you were there at the camp?

11:03:47 10 A. We were more than 400.

11 Q. What kind of work were you learning?

12 A. Well, after your education, they would ask you if you
13 wanted to be a carpenter, a mason, a farmer then.

14 Q. For how long were you at this DDR camp?

11:04:27 15 A. Let me say three to four months.

16 MR OGETO: My Lords, if the witness can be given a piece
of
17 paper, I want him to write down the position he held at the
DDR
18 camp at that time.

19 PRESIDING JUDGE: Yes.

11:05:24 20 MR OGETO:

21 Q. And please indicate the period when you held that
position.

22 And please don't mention that position; it's likely to
identify
23 you to the public.

24 MR OGETO: My Lords, it's difficult to decipher what --

11:06:11 25 PRESIDING JUDGE: Let somebody write it for him. Can
you
26 help --

27 MR OGETO:

28 Q. Yes, please, maybe you could whisper to somebody. Put
off

29 your microphone, please. Which period is it that you occupied

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1 that position?

2 A. It was the time I was at the DDR camp, after we have
3 disarmed.

4 Q. So you occupied that position the entire period you were
at
11:07:38 5 the DDR camp; is that correct?

6 A. Yes, sir.

7 JUDGE BOUTET: Does that mean of the camp, of the group
or
8 of what?

9 MR OGETO: Of the group, My Lords.

11:08:02 10 JUDGE BOUTET: Of the group that had disarmed?

11 MR OGETO: Yes, My Lords. That's my understanding of
his
12 testimony.

13 Q. Can you clarify it?

14 A. Yes, sir.

11:08:12 15 Q. You held this position in relation to what?

16 A. After we've disarmed, that was -- that was the time they
17 gave me that position, [REDACTED].

18 Q. Mr Witness, please do not --

19 PRESIDING JUDGE: Can that be redacted, please? We're
11:08:44 20 asking you not to mention your position so that you're not
21 identified. You keep announcing what you are, you know.

22 THE WITNESS: Yes, sir.

23 PRESIDING JUDGE: So you held this position where? As
of
24 what body?

11:09:03 25 THE WITNESS: For RUF.

26 PRESIDING JUDGE: [Indiscernible] people.
27 THE WITNESS: Yes, sir.
28 MR OGETO:
29 Q. Who was the local commander -- the local RUF commander?

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1 PRESIDING JUDGE: What are you doing with this paper?
2 MR OGETO: My Lords, I'm sorry. I apply that it be
3 admitted as an exhibit, confidentially.
4 PRESIDING JUDGE: I suppose there's no objection to
this?
11:10:04 5 MR HARDAWAY: No objection.
6 MR JORDASH: No objection.
7 MR CAMMEGH: No objection.
8 PRESIDING JUDGE: It is admitted and marked as Exhibit
354.
9 [Exhibit No. 354 was admitted]
11:10:29 10 MR OGETO: Much obliged.
11 PRESIDING JUDGE: And, please, even if we do not specify
12 it, every exhibit that is tendered and marked confidentially,
as
13 this one is indeed admitted and marked confidentially, should
14 contain the pseudonym of the witness through whom it has been

11:10:53 15 tendered. Can we have it, please? Even if we do not mention
16 that should automatically be the practice, please, so that we
can
17 trace those exhibits to those through whom it came to enter
the
18 records. So this is admitted and marked confidentially as
19 Exhibit 354.

11:11:31 20 Yes, Mr Ogeto, you may proceed, please.

21 MR OGETO:

22 Q. Who was the local RUF commander at Port Loko at that
time?

23 A. Miloskie Kallon.

24 Q. Do you know where he was based?

11:11:47 25 A. He was based in Lunsar but he was coming weekly.

26 Q. He was coming where weekly?

27 A. He used to come to us at the camp.

28 Q. Do you recall his rank at that time?

29 A. He was a lieutenant-colonel.

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1 Q. Do you recall where you were in early May 2000?

2 A. I was at the DDR camp.

3 Q. Did anything significant happen --

4 PRESIDING JUDGE: DDR camp where? Still in Port Loko?

11:12:53 5 THE WITNESS: Port Loko District, sir. The DDR camp
there.

6 MR OGETO:

7 Q. So you are speaking about the same DDR camp that you
spoke

8 about earlier on?

9 A. Yes, sir.

11:13:12 10 JUDGE BOUTET: When you say in the district, do you mean
to

11 say that it was not at Port Loko? Where was the DDR camp?

12 THE WITNESS: The DDR camp was in Port Loko, at the Sri

13 Lanka Secondary School, Port Loko.

14 MR OGETO:

11:13:37 15 Q. Within Port Loko Town?

16 A. Yes, sir. Old Port Loko.

17 PRESIDING JUDGE: The secondary school?

18 THE WITNESS: Yes, sir.

19 MR OGETO:

11:14:11 20 Q. Now, in early May 2000, do you recall anything
significant

21 that happened in relation to UNAMSIL while you were at the DDR

22 camp in Port Loko?

23 A. Yes, sir.

24 Q. Can you please explain slowly, so that we are able to

11:14:33 25 record what you are saying. Explain, please, to the Court
what

26 happened?

27 A. The first week in May we got information. How we got

the

28 information, we saw three observers who came from Lunsar and

they

29 came to us at the DDR camp and, luckily, Kallon was there,

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road

1 Miloskie Kallon. They said: Your brothers have blocked the

2 at Makump, so we want you to talk to them in order for them to

the

3 release the men. So they picked us up. We went to Lunsar in

to

4 morning. Then in the afternoon hours, around 1 to 2, we went

11:15:28

5 Makump. We met Komba and others, Komba Gbundema --

to

6 Q. Before you proceed, who were these observers that came

7 the DDR camp with this information?

there

8 A. Well, how I understood their work was, anywhere where

that

9 was a problem they would go there. They were specialists in

11:15:56 10 were

area. That was their work, their job. That was what they

11 doing.

12 Q. Did they identify themselves? Did they give you their

13 names?

and

14 A. They mentioned their names but they are white people,

11:16:20 15

they were three in number, but I cannot recall their names.

16 Q. So what did they mean when they said your brothers had
17 blocked the road? Did you understand what they meant by that?

our

18 A. Well, they did not conceal the information. They said
19 brothers have blocked UN while on the way, while they were
going
11:16:51 20 to Makeni.

21 Q. Did you understand what they meant by "your brothers"?

22 A. Yes, sir, our RUF brothers.

23 Q. What time was that that they came to the DDR camp, these
24 three observers?

11:17:17
there

25 A. It was 3 May. They went to the DDR camp. They went
26 in the morning and gave us that information.

this

27 Q. Who were you with at the DDR camp when they gave you
28 information?

man

29 A. I was with the commander Miloskie Kallon, and another

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were

1 who was an adjutant to Miloskie Kallon, we were three. We

2 many in the camp but we were the ones that were taken away.

3 Q. What was the name of this adjutant? Can you recall the

4 name?

11:18:14 5 A. Yes. Yes, sir. The brigade commander, the adjutant, I

6 knew his name. He was xxxxxxxx who was the adjutant for

7 Kallon.

8 Q. So what did you do after you received this information?

9 A. When the observer came with the information that
morning,

11:18:47 10 we went to Lunsar the same time. We were in Lunsar for some

11 time. Around 1 to 2, we went to Makoth.

12 Q. What was the situation at Makoth?

13 A. Well, when we arrived at Makoth, we met. They had
captured

14 the Zambians. Some were sitting on the floor, some were in
the

11:19:26 15 vehicle. That was the situation we met.

16 Q. Who had captured the Zambian?

17 A. Komba Gbundema with Kailondo.

18 Q. Who were these Zambians that they had captured?

19 A. They were UN.

11:19:58 20 Q. Now, you've spoken of vehicles. How many vehicles did
you

21 see at Makoth?

22 A. I saw up to 40. Land Rovers, armoured tanks. Up to 40,

23 the ones I saw.

24 Q. Whose vehicles were these that you saw?

11:20:35 25 A. Well, the vehicles which they owned, which I knew were
Land

26 Rovers, armoured cars, those are the ones they own.

27 Q. Who owned them?

28 A. The vehicles? The UN. The UN owned the vehicles.

29 Q. How many armoured vehicles did you see of these 40 that

1 you've spoken about?

2 A. Well, I saw up to 15 Land Rovers.

you

3 Q. I'm talking about the armoured vehicles. How many did

4 see?

11:21:29
Yes.

5 A. The armoured? I saw up to -- let me say 30 armoured.

6 Q. So did you speak to -- sorry. Before I proceed to that
7 question, how many Zambians did you see who had been captured?

8 A. Well, I saw up to 40. I saw up to 40.

9 Q. Where were they when you got to this point in Makoth?

11:22:25
was

10 A. Well, Makoth is a small village. We met some of them
11 sitting on the floor. Some were parked in the vehicle. That

12 the situation in which we met them. All of them were disarmed
13 and be seated.

11:22:56

14 Q. Now, apart from Komba Gbundema and xxxxxx, did you see
15 any other RUF at Makoth?

16 A. Yes, sir. xxxxxxxxxx was there, Armourer.

17 Q. xxxxxxxxxx, who?

18 A. xxxxxxxxxx Armourer.

19 Q. Is that his name, Armourer?

11:23:25 20 A. Armourer. Armourer. xxxxxxxx Armourer, the one who
21 deals with --

22 THE INTERPRETER: The interpreter cannot get the last
bit
23 of the witness. Can he please come again.

24 MR OGETO:

11:23:41 25 Q. The one who deals with what? You said the one who deals
26 with something which was not very clear to the interpreters.
Can
27 you repeat that, please?

28 A. The man, he was in the armourer unit, the one who dealt
29 with the weapons. We used to call him that name because he
was

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1 dealing with arms.

2 Q. At that point in time did you see any RUF fighters?

3 A. At Makoth? Yes.

4 Q. About how many did you see?

11:24:33 5 A. The ones I saw sitting on the tarmac road, they were
about

6 50, but they were all around, all over.

7 Q. Are you saying the RUF fighters were sitting?

8 A. No, they were not sitting. Well, after you've arrested
9 somebody, you will not sit. They were around. They were
11:24:57 10 scattered all over. They were only a few that were -- that
were
11 at that tarmac road with Komba but they were scattered all
over.

12 Q. So can you approximate in total how many there were, the
13 RUF fighters that you saw on that day, at Makoth?

14 A. The ones I saw myself were up to 50.

11:25:36 15 Q. Did you speak to Komba Gbundema?

16 A. Yes, sir.

17 Q. What were the subject of your discussion with him?

18 A. When we arrived, he called in: I am Kallon. Then we
told
19 him, "Komba, what was the problem that you people knew that
were
11:26:10 20 at the DDR --

21 THE INTERPRETER: Can the witness go slowly. Can the
22 witness go slowly.

23 MR OGETO:

24 Q. Witness, please, can you try and go slowly because we
are

11:26:23 25 recording everything that you are saying. There is no hurry.

26 Can you go over again what you said?

27 A. Yes, sir. I asked Komba. Komba said it was an
instruction
28 from the leader.

29 PRESIDING JUDGE: That was not how you started the
story.

were 1 You said you asked him. What did you ask him? You said you
2 at the DDR camp?

3 THE WITNESS: I asked him, I said: Why, that we were at
4 the DDR camp, and that they knew that we have disarmed, and
that
11:26:55 5 you people have captured these people, and that you have sold
our
6 own lives. That was the first thing I told him.

7 MR OGETO:
8 Q. What did you mean by them selling your lives?
9 A. Well, all of us were fighting. Then they told us to
disarm

11:27:21 10 initially. If after we have disarmed and they who were
staying
11 behind and causing some problem, it means they were creating
12 problem for us in order for them to sell our own lives and
they
13 did.

14 Q. So what was Komba's response to your statement?
11:27:50 15 A. Then, after we've told him that we tried to encourage
him,
16 we talked to him in order to release the men, but as we went
on
17 speaking with him, he got annoyed, and that if we had wanted
to
18 know the details of the instruction we should go and ask

19 Foday Sankoh.

11:28:21 20 Q. Did he give any explanation why they had arrested the
21 Zambians?

22 A. Yes, sir. He said it was an instruction the Pa had
given
23 to him and Kailondo.

24 Q. Did he explain why the Pa had given these instructions?

11:28:52 25 A. No, sir, he did not explain.

26 Q. Now, while you were at Makoth, did you see the accused
27 person Morris Kallon?

28 A. No, sir.

29 Q. Did you hear of his presence at Makoth during that time?

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1 A. No, sir.

2 Q. So what happened after this discussion between you and
3 Komba Gbundema?

4 A. Well, after that, we told the observers to take us back
to
11:29:56 5 the camp. We went back to the camp.

6 Q. Did you get to know what happened to the Zambians after
--

7 PRESIDING JUDGE: Afterwards, they took you back to
which

8 camp? To Port Loko? Which camp?

9 THE WITNESS: Port Loko camp, sir.

11:30:22 10 MR OGETO:

11 Q. So after you left, did you get to know what happened to
the

12 Zambians?

13 A. Yes, sir.

14 PRESIDING JUDGE: So they took you back to the camp?

11:30:37 15 THE WITNESS: Yes, sir. Yes, sir.

16 PRESIDING JUDGE: That's yourself and Miloskie Kallon?

17 THE WITNESS: Yes, sir.

18 MR OGETO:

19 Q. So did you get to know what happened --

11:30:56 20 PRESIDING JUDGE: And the adjutant as well? Kallon's
21 adjutant, or he didn't go with you?

22 THE WITNESS: We went together. The adjutant was with
us,

23 I, Kallon, and the adjutant, we went together and they came
with

24 us back to the camp.

11:31:29 25 MR OGETO:

26 Q. So did you get to know what subsequently happened to the
27 Zambians?

28 A. Yes, sir. We got the information that they arrested the
29 Zambians.

1 Q. Do you know where they took them after they arrested
them?

2 A. I only got the information that they went to -- with
them
3 to the barracks. That was the only information I got.

4 Q. Which barracks?

11:32:14 5 A. Teko Barracks in Makeni.

6 MR OGETO: My Lords, if I could have a minute to
consult.

7 PRESIDING JUDGE: Yes, please.

8 MR OGETO: My Lords, I have no further questions for the
9 witness. Thank you, Mr Witness.

11:32:49 10 THE WITNESS: Welcome.

11 PRESIDING JUDGE: Yes, Mr Jordash, any cross-
examination?

12 MR JORDASH: Yes, please.

13 CROSS-EXAMINED BY MR JORDASH:

14 MR JORDASH:

11:33:31 15 Q. Good morning, Mr Witness.

16 A. Yes, good morning, sir.

17 Q. I represent Mr Issa Sesay. Just a few questions; I
18 shouldn't be any more than about 20 minutes. The first is
this:

19 Was it your understanding that the RUF welcomed Johnny Paul

11:34:10 20 Koroma's invitation to join them in the junta because it was
the

21 best way to bring peace to Sierra Leone?

22 JUDGE BOUTET: Because he was what?

23 MR JORDASH: The best way to bring peace.

24 PRESIDING JUDGE: To Sierra Leone.

11:34:32 25 MR JORDASH:

26 Q. Was that your understanding of why the rank and file of
the

27 RUF --

28 A. Yes, sir.

29 Q. -- agreed to the proposal?

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1 A. That's what I understood, sir, in order for peace to
come.

2 Q. So it was an agreement between the SLAs and the RUF to
3 bring peace to Sierra Leone, as you saw it?

4 A. Yes, sir.

11:35:07 5 Q. Can I take you to the intervention. Would I be right to
6 say that you do not have any firm memory of actually speaking

7 Gullit at Masiaka after the intervention; would I be right
about

8 that?

9 A. I did not speak with Gullit. I did not speak with him.

11:36:05 10 Q. Could I also be right that you don't have any firm
11 recollection -- drink your water first. Could I also be right

things 12 that you don't have any firm recollection of what specific
a 13 Gullit was doing at the time in Masiaka. You remember him as
that 14 group with Five-Five and Bazzy and other SLA commanders; is
11:36:53 15 right?

16 A. Yes, sir.

17 Q. Could it be that this is right: That in fact you made a
18 mistake about Gullit being present and in fact --

19 PRESIDING JUDGE: In Masiaka?

11:37:12 20 MR JORDASH:

21 Q. In Masiaka, and in fact it was Five-Five and Bazzy and
22 Superman and others but Gullit, in fact, was in Kono before
23 heading to Kailahun and wasn't, in fact, in Masiaka; is that
24 possible, do you think?

11:37:32 25 A. I and that man with others, all of us went to Masiaka
26 before he went for Kono.

27 Q. Yeah. But you don't remember speaking to him, you only
28 remember him as part of a group. It's possible, isn't it,
that 29 he in fact wasn't there? Would you consider that as a

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1 possibility?

2 A. He was there.

3 Q. Okay. Well, I suggest you're wrong about that but we'll
4 agree to disagree.

11:38:18 5 PRESIDING JUDGE: Are you wrong in that?

6 THE WITNESS: Well, I saw Gullit in Masiaka before they
7 went for Kono. I saw him. I saw all of them in Masiaka.

8 MR JORDASH:

9 Q. Let me take you to Koidu. Now, I think what you said
was

11:39:04 10 that you had headed off with Superman's group to open up
another

11 heading
12 jungle; is that right? That was the purpose of Superman

12 off?

13 A. Yes, sir.

14 Q. Was SAJ Musa suggested as a reason for heading north?

11:39:31 15 A. I can't tell about that. SAJ Musa, from Masiaka, he
went

16 to Port Loko. He went. He did not go with us to Makeni.

17 Q. Sorry, it's my fault. But I've taken you to when you've
18 arrived in Koidu, you spent some time in Koidu and the Guinea
19 Highway and then Superman moves north away from Kono. Are you

11:40:03 20 with me?

21 A. Yes, sir.

22 Q. I'm right that you go with him?

23 A. Superman? Yes.

24 Q. What were you told was the purpose of going north to
11:40:25 25 Koinadugu?

open
26 A. As I have stated, Superman and Mosquito could not drink
27 from the same cup and that was why he said he was going to
28 up his own jungle.
29 Q. But did you hear him say that before he left Koidu or on

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1 the journey from Koidu?
2 A. Initially it was in Kono, but amongst all the security
that 3 they were trying to open up their own jungle.
4 Q. Where was he trying to open up his own jungle when you
11:41:15 5 heard this information? What was your understanding of where
he 6 was going?
7 A. It was in Kabala.
8 Q. So it's your understanding, is it, that before Superman
9 left Koidu or left Koidu District -- Kono District -- that he
had 10 decided he was no longer going to cooperate with Sam Bockarie?
11 A. Yes, sir.
12 Q. Do you recall Alfred Brown, a Liberian radio operator,
13 going with you?
14 A. No.

11:42:09 15 Q. Did you know Alfred Brown?
16 A. I knew him very well, but he did not go with us.
17 Q. What about Jim Bandeh; do you know Jim Bandeh?
18 A. Jim Bandeh? I knew him.
19 Q. Did he go with you?
11:42:36 20 A. No.
left 21 Q. Where were they, Jim Bandeh and Alfred Brown, when you
22 Koidu?
23 A. Alfred Brown, we left them in Kono, because he was the
24 senior man for the communication. We left them there and we
11:43:04 25 went. We only went with two operators.
26 Q. But did Alfred Brown join you later?
27 A. Alfred Brown? No, I did not see him. Even up to the
time 28 we went to Makeni I did not see him.
29 Q. Did Jim Bandeh join you later?

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1 A. No.
2 Q. Could I suggest that you're wrong; that Jim Bandeh and
3 Alfred Brown -- could I just take instructions, please?
4 A. No.

11:44:31 5 Q. Let me ask you this question: Do you know that, did you
6 know that Alfred Brown was a good friend of Gullit's?
7 A. I don't -- I don't know about that, as one of his best
8 friends.
9 Q. No, not necessarily one of his best friends, but a good
11:44:54 10 friend. Do you know he was a friend?
11 A. I don't know about that.
12 Q. Did you know about Alfred Brown working with Gullit in
1998
13 when Gullit was at Camp Rosos?
14 A. I don't know about that.
11:45:15 15 Q. Do you know anything about Alfred Brown going north from
16 Koidu?
17 A. I did not see Alfred Brown. I did not see him. I did
not
18 see him at all.
19 Q. That's not my question. My question is do you know
11:45:37 20 anything about him going north in 1998 to join Gullit's group?
21 Try to assist the Court if you can.
22 A. No, I did not know about that. Yes, sir, I don't know
23 about that.
24 Q. So you don't know if he went there before you went, for
11:46:01 25 example, you don't know? Do you know that? Is that possible?
26 A. I don't know about that, sir. I did not see that man.
27 Q. So you don't know where he was between February of 1998
28 until, say, December of 1998, except that at some point he was
a
29 radio operator in Koidu; is that right?

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1 A. Yes, sir.

2 Q. I've got nothing further. Thank you very much. Thank
you.

3 Thank you, Mr Witness.

4 A. Thank you, sir.

11:47:00 5 PRESIDING JUDGE: Yes, Mr Cammegh?

6 MR CAMMEGH: Yes, Your Honour, I've got no questions.

7 Thank you.

8 PRESIDING JUDGE: No questions?

9 MR CAMMEGH: No.

11:47:06 10 PRESIDING JUDGE: Thank you.

11 Learned counsel, the Chamber will recess at this stage
and

12 we will resume in a couple of minutes with Mr Hardaway taking
the

13 cue from his learned colleagues for the Defence. We will rise

14 for a few minutes, please.

11:48:30 15 [Break taken at 11.38 a.m.]

16 [RUF29APR08B-BP]

17 [Upon resuming at 12.15 p.m.]

18 PRESIDING JUDGE: Yes, Mr Hardaway, we're resuming the

19 session for you to --

12:25:57 20 MR HARDAWAY: Thank you, Your Honour.

this 21 PRESIDING JUDGE: -- start your cross-examination of
22 witness.

23 CROSS-EXAMINED BY MR HARDAWAY:

24 MR HARDAWAY: I think there's something wrong with my
12:26:12 25 headset, Your Honour. Can you hear me?

hearing 26 PRESIDING JUDGE: Yes, I'm hearing you. You're not
27 me?

28 MR HARDAWAY: No. Wait a minute. I know what happened.
29 Sorry. Put up the volume.

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1 Q. Good afternoon, Mr Witness.

2 A. Afternoon, sir.

3 Q. I have some questions to ask you on behalf of the
4 Prosecution; okay?

12:26:43 5 A. Yes, sir.

please 6 Q. And if at any time you do not understand a question,
7 ask me to repeat it and I will do so; all right?

8 A. Yes, sir.

9 Q. Now, Mr Witness, you had testified that everybody was
12:27:03 10 looting in Makeni; is that correct?

11 A. Yes, sir.

12 Q. And you would agree with me that this was based directly
on

13 the orders of Operation Pay Yourself which were -- which was

14 issued in Masiaka; is that also true?

12:27:29 15 A. Yes, sir.

16 Q. Now, Mr Witness, you had also stated -- and please
correct

17 me if I am wrong -- that you had not seen or heard of Morris

18 Kallon in Masiaka; is that correct?

19 A. Yes, sir.

12:27:56 20 Q. I want to read you a bit of evidence, Mr Witness, and
then

21 I'll ask your opinion on it. Your Honours, this is from TF1-

360

22 dated 26 July 2005.

23 PRESIDING JUDGE: The same witness?

24 MR HARDAWAY: TF1-360, 26 July 2005, pages 14 and 15.
I'll

12:28:21 25 start from line 27 on page 14 and go through to line 9 on page

26 15.

27 PRESIDING JUDGE: What date again please?

28 MR HARDAWAY: Page 14, starting from line 27.

29 PRESIDING JUDGE: The date? The date?

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1 MR HARDAWAY: 26 July 2005. Then going on to line 9 on
2 page 15.

3 "Presiding Judge: Mr Witness, you were giving an
answer.

4 You were saying why you disagree. What is your answer?
Witness:

12:29:02 5 I said I disagree because Kallon came to Makeni with some of
6 those fighters whom I knew with whom he was in Bo." Secondly,
7 Judge Thompson: "Slowly witness. Witness: Okay. Judge
8 Thompson: Continue. Witness: Kallon came to Makeni and it
was
9 then that we knew that Bo had fallen. All of them came
together.

12:29:27 10 They passed through Masiaka. I saw them in Makeni with the
11 following authorities."

12 Mr Witness, the truth of the matter is that Morris
Kallon
13 was in Masiaka, isn't that correct?

14 A. I did not see him at Masiaka.

12:29:49 15 Q. Now, Mr Witness, moving to Kono. It is your evidence
that

16 Superman was in command at Kono; is that correct?

17 A. Come again, please?

18 Q. It's your evidence that Superman was the overall
commander
19 in Kono; is that correct?

12:30:16 20 A. Yes, sir.

21 Q. What was Morris Kallon's rank at that time?

22 A. Morris Kallon, I only know about his rank that it was
23 major. That was the rank I knew.

24 Q. Okay. I want to read you another piece of testimony,
12:30:43 25 Mr Witness, and then ask your opinion.
26 JUDGE BOUTET: But before you go there, Mr Witness, you
say
27 you only knew Kallon's rank when he was a major. When was
that?
28 When was it that he was a major, according to you?
29 THE WITNESS: I know Kallon as major the time when we
went

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1 to Kono.
2 MR HARDAWAY: Your Honours, this will be transcript 8
3 November --
4 PRESIDING JUDGE: Just a moment, please. And you say
that
12:31:34 5 Superman was the overall commander?
6 THE WITNESS: Yes, sir.
7 PRESIDING JUDGE: What was Superman's rank at that time
in
8 Kono? Do you know?
9 THE WITNESS: Yes, sir. Superman was a colonel at that
12:32:00 10 time.
11 PRESIDING JUDGE: Yes, Mr Hardaway, you may proceed.

the 12 MR HARDAWAY: Yes, Your Honours. I'll be referring to
37, 13 evidence of TF1-366, transcript dated 8 November 2005, page
14 lines 13 to 23 inclusive.

12:32:23 15 Q. Are you listening, Mr Witness --

16 HIS HONOUR: What date again? What date again, please?

17 MR HARDAWAY: 8 November 2005.

18 PRESIDING JUDGE: Yes; okay.

19 MR HARDAWAY:

12:32:31 20 Q. Are you listening, Mr Witness?

21 A. I'm listening.

22 Q. "Question: At this time that you were made a major, was

23 there a senior commander in Kono? Answer: Yes, there was a

24 senior commander in Kono. Question: Who was that? Answer:

12:32:55 25 Morris Kallon, Superman. Question: Of Morris Kallon and

26 Superman, was one more senior than the other? Answer: Yes,

27 there was somebody. Question: Who was that? Answer: Morris

28 Kallon was the most senior. He was the battle-group
commander."

29 Mr Witness, the truth is that Morris Kallon was the overall

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to 1 commander in Kono and Superman was beneath him -- was junior

2 him; isn't that correct?

3 A. Not correct at all.

overall 4 Q. So when I put it to you that Morris Kallon was the

12:33:44 5 commander in Kono, you disagree with me?

6 A. At all.

7 PRESIDING JUDGE: The case for the Prosecution is that
8 Morris Kallon was senior to?

9 MR HARDAWAY: Superman.

12:33:57 10 PRESIDING JUDGE: To Superman.

11 MR HARDAWAY: Yes, Your Honour.

12 PRESIDING JUDGE: And that he was the overall commander.
13 Is that the thesis of the Prosecution?

14 MR HARDAWAY: That's the question I'm putting to him in
12:34:06 15 Kono.

16 PRESIDING JUDGE: Yes, in Kono. That's what I'm saying.

enlighten 17 MR JORDASH: Sorry to leap up. I was just perusing the
18 indictment and I was wondering if the Prosecution might

19 us as to whether they say Mr Kallon was also the battle-group
12:34:21 20 commander in Kono. The indictment suggests that he was

time. 21 subordinate to the battle-group commander at this period of

22 JUDGE THOMPSON: Paragraph? Which paragraph?

may 23 MR JORDASH: At paragraph 25, so I am just wondering if

was 24 we have clarity as to the Prosecution position that Mr Kallon

group 12:34:39 25 above Superman, whether that also means he was the battle-

26 commander. I'm not sure any more.

27 JUDGE THOMPSON: You're saying there's a shift of ground
28 here?

29 MR JORDASH: There's been a gigantic one over the last
week

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1 and I'm wondering if it's going to continue to be labelling
2 Mr Kallon as the battle-group commander.

3 JUDGE THOMPSON: That's why you've been on your feet.

4 MR JORDASH: Your Honour, yes.

12:35:11 5 PRESIDING JUDGE: We'll take that as an observation and
we

6 have no response for that but we will continue with the -- you
7 are suggesting to this witness that Kallon was -- was senior

to

8 Superman and that he was a battle-group commander.

9 MR HARDAWAY: That he was the overall commander in Kono.

12:35:33 10 For completions sake, I read the whole part of that evidence
as

11 it related to page 37.

12 PRESIDING JUDGE: What vital point, you know, are you
13 putting to him for the purposes of not only his -- his place

in

14 the command structure in Kono at that time but also --

12:35:56 15 MR HARDAWAY: The vital -- that he was the overall
16 commander, and not -- I'm not putting to him specific title.
So
17 when I did put it to him I did not put --
18 PRESIDING JUDGE: Yes, Mr Hardaway.
19 MR HARDAWAY: I put it to him as it related to him being
12:36:31 20 the overall commander.
21 PRESIDING JUDGE: Yes.
22 MR HARDAWAY: I did not put to him a specific title such
as
23 battle-group commander. I read that in on lines 22 and 23 for
24 the sake of completeness. But the main thrust of the argument
12:36:45 25 was to establish and to put to him that Morris Kallon was the
26 overall commander in Kono and senior to Superman.
27 PRESIDING JUDGE: He was the overall commander in Kono
and
28 senior to Superman?
29 MR HARDAWAY: Yes.

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1 PRESIDING JUDGE: Senior in what sense? You mean -- I
2 mean, because we -- is it in terms of the rank? In terms of
the
3 assignment? Or --

4 MR HARDAWAY: I'll put it to him again in a different
way,

12:37:15 5 Your Honour.

6 PRESIDING JUDGE: Yes, please.

7 MR HARDAWAY:

8 Q. Mr Witness, I put it to you that Morris Kallon was the
9 overall commander in Kono and that Superman was his deputy;

how

12:37:28 10 do you respond?

11 A. Superman was the overall commander.

12 Q. And would you agree with me, Mr Witness, that Superman -

-

13 PRESIDING JUDGE: So you disagree that -- you disagree
with

14 counsel, with learned counsel, when he says that Superman or,

12:38:00 15 rather, that Morris Kallon was Superman's boss?

16 THE WITNESS: Not at all, sir.

17 JUDGE BOUTET: Mr Prosecutor, I would like some
18 clarification as well with your use of the term "Kallon was
19 superior to Superman." What do you mean by superior? So I

12:38:23 20 understand what you are trying to -- superior, to me, would
mean

21 in rank. You are superior over and above and not even related
to

22 the overall commander so --

23 MR HARDAWAY: Well, that's why I put it the second time,

24 Your Honour, as Morris Kallon being the overall commander and

12:38:38 25 Superman being his deputy.

26 JUDGE BOUTET: So you are not talking of rank any more.

27 You're just talking of overall commander?

28 MR HARDAWAY: Overall commander and that Superman was
his

29 deputy.

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questions,

1 JUDGE BOUTET: So we have to ignore your other

2 that Kallon was superior to Superman?

3 MR HARDAWAY: I didn't phrase that properly then. Yes,

4 Your Honour, I would ask for the second one.

12:39:06 5 JUDGE BOUTET: All right.

6 MR HARDAWAY:

7 Q. Would it be your evidence, Mr Witness, that Superman

8 received his command of Kono from Johnny Paul Koroma?

9 A. Yes, sir.

12:39:26 10 Q. I put it to you, Mr Witness, that Johnny Paul Koroma

do 11 appointed Morris Kallon as the overall commander in Kono; how

12 you respond?

13 A. I can say it's not true. He only appointed Superman as
the

14 overall commander.

12:39:49 15 Q. All right, Mr Witness. I want to move to 2000 when you

16 were at the DDR camp in Port Loko; okay? Okay?

17 A. Yes, sir.

the
18 Q. Now, you said you went to Makoth on 3 May based on what
19 observers told you; is that correct?
12:40:14 20 A. Yes, sir.
hear 21 Q. And it would be correct to say that you did not see or
22 of anything in Makoth on May 1, 2000; would that be accurate?
23 A. May 1, no. Only the 3rd I know.
under 24 Q. Okay. Now, you stated that Komba Gbundema was acting
12:40:45 25 the orders of Foday Sankoh during this time; is that correct?
26 PRESIDING JUDGE: He was informed --
27 MR HARDAWAY:
28 Q. You were informed?
29 A. Yes, sir.

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who
isn't
1 MR HARDAWAY: Thank you, I apologise.
2 Q. Mr Witness, Morris Kallon was one of the RUF commanders
3 sent Komba Gbundema to Makoth to arrest the UN personnel;
4 that correct?
12:41:14 5 A. Not at all; it is not correct.

the 6 Q. So when I put it to you that Morris Kallon was one of
7 RUF commanders who sent Komba Gbundema to arrest the UN
8 personnel, you would disagree with me?
9 A. No, sir. I cannot agree with you at all.

12:41:40 10 MR HARDAWAY: Very well. Thank you, Mr Witness. I have
no 11 further questions of you. Your Honours, this concludes my
12 cross-examination.
13 PRESIDING JUDGE: Thank you.
14 Mr Ogeto, my re-examination?

12:42:27 15 MR OGETO: No re-examination, My Lords, but I just want
to 16 mention for the record that the position taken by the
Prosecution 17 regarding the command responsibility --
18 PRESIDING JUDGE: We don't want to -- we're not
listening 19 to any submissions on this.

12:42:45 20 MR OGETO: It's not submissions, My Lords.
21 PRESIDING JUDGE: Yes, it is a submission. You are
trying 22 to mention the sheets and so on and so forth. You have the
time 23 to make these observations in your final briefs, please. I
think 24 that is it.

12:42:59 25 MR OGETO: I only just wanted to say, My Lords, that it
26 creates a lot of difficulties defending --
27 PRESIDING JUDGE: You will mention the difficulties in
due 28 course. I have told you and I think the Chamber has said --
29 MR OGETO: Yes, My Lords.

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1 PRESIDING JUDGE: -- you know, that the Prosecution will
2 stand or fall by the case it is presenting --

3 MR OGETO: Yes, My Lords.

4 PRESIDING JUDGE: -- on the indictment that we have
before

12:43:22 5 us. So will the Defence, you know, stand or fall by the
defence

6 that it is presenting before this Chamber. So we have been
very

7 cautious to avoid entertaining pre-emptive arguments. Mr
Jordash

8 is very familiar with all this. We've said this time and
again

9 and that continues to be our stand. When it comes to time,
you

12:43:45 10 will address us on this issue, and we're very open to these
11 arguments.

12 MR OGETO: Yes, My Lords.

13 PRESIDING JUDGE: And they will come at a proper time
when

14 we will now be examining the totality of the evidence. If
there

12:43:58 15 have been any shifts in the case for the Prosecution, these
are

16 valid issues which will be canvassed in the final submissions

17 which you'll be making, but certainly not at this particular
18 stage. Not even if it were an observation, Mr Ogeto. I
suppose

19 you understand the stand of the Chamber in this regard?

12:44:17 20 MR OGETO: Yes, My Lord.

21 MR JORDASH: I don't mean to leap up. Well, I do mean
to

22 leap up but I would only make this submission, if I may, that
23 there is as the -- there is an onus on the Defence to
complain,

24 at least so that Your Honours understand --

12:44:36 25 PRESIDING JUDGE: No, we have understood, Mr Jordash.
We

26 have understood. We know. I mean, all your complaints will
be

27 worked in at the right time. They will be taken at the right
28 time.

29 MR JORDASH: It's only that we know the Prosecution will

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1 say: Well, you didn't complain at the time and that's why we
2 leap to our feet, not to cause delay but to --

3 PRESIDING JUDGE: If you didn't, how would you not
complain

it 4 what they are saying, what is being said is on the records and

12:45:06 5 is noted and the Chamber will consider the totality of all
that

6 is on the record.

7 MR JORDASH: Yes. But that's why we stand to raise it
at

8 pertinent times so that the Court keeps apprised of our
position

9 and the Prosecution are not able to say we didn't complain
12:45:23 10 throughout the trial.

11 PRESIDING JUDGE: Anyway, we do not want -- what we want
to

12 avoid is to go into submissions pretty much.

13 MR JORDASH: Certainly.

14 PRESIDING JUDGE: We will visit that in due course.
Yes.

12:46:06 15 Yes, Mr Witness, Mr Ogeto having said that, you have nothing
in

16 re-examination for the witness?

17 MR OGETO: No questions.

18 PRESIDING JUDGE: You'll confirm that you don't have any
19 questions?

12:46:17 20 MR OGETO: I confirm that.

21 PRESIDING JUDGE: Right. Okay. Yes, Mr Witness, we've
--

22 we are through with you. We thank you for coming to testify
23 before the Tribunal and to make certain issues which are to
your

24 knowledge available to us. Again, we thank you for coming and
we

12:46:41 25 wish you all the best in the pursuit of your functions in your
26 place of abode. Thank you for coming. Can he be assisted,
you

27 know. I hope we have a witness in waiting.

28 MR TAKU: Yes, Your Honours.

29 PRESIDING JUDGE: Right.

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1 MR TAKU: DMK-108.

out

2 PRESIDING JUDGE: Right. Let this witness be assisted

3 of Court, please.

4 [The witness withdrew]

12:48:39 5 PRESIDING JUDGE: Yes.

6 MR OGETO: My Lords.

7 PRESIDING JUDGE: Yes, Mr Ogeto.

your

8 MR OGETO: As we wait for the witness, My Lords, with

9 kind permission, if I could address the issue of the UN

12:48:50 10 witnesses. As the Chamber recalls, we had written to the UN

11 seeking waiver of immunity for a number of witnesses and up to

UN

12 now we have not obtained that waiver or an indication from the

13 regarding our requests.

in

14 Now, this is likely to have an impact on the proceedings

12:49:11 15 the very near future. Right now, we have three witnesses in

16 Freetown -- UN witnesses -- who cannot testify because we have
17 not received any response from the UN.

18 The Registrar of the Special Court is informed of this
19 state of affairs. He has been following up with the UN, but

no

12:49:38 20
inform

positive response is forthcoming. So we thought we should

if

21 the Chamber that this is likely to delay the proceedings and

22 there's anything that the Chamber can do to assist we will be
23 most obliged.

12:49:59 25

24 PRESIDING JUDGE: What else can we do? The Registrar is
the best channel for communication here. There is little -- I

Registrar

26 don't think we would be getting into any correspondence, you
27 know, with the UN for them to take the action which the

28 is asking them to take. So --

29 MR OGETO: The intention really is to mention to the

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1 Chamber and keep the Chamber informed of this matter, because
2 it's likely to delay the proceedings.

these

3 JUDGE BOUTET: All I can say is it's well-known that

big, 4 kind of requests of the UN takes forever. The UN is large,
12:50:40 5 and very slow democracy, so if you applied only lately, you
may
6 get a response very late. I mean, it's not unusual for them
to
7 be that way.

8 MR OGETO: I just thought I should mention this to the
9 Chamber, My Lords. I don't know what to do myself about this,
12:50:59 10 because, as I said, the Registrar has been following but we
have
11 not received a response.

12 JUDGE BOUTET: But I hope you are communicating with the
13 right organisation to resolve this issue with the UN. I don't
14 know with whom you are talking.

12:51:12 15 MR OGETO: It is actually the Registrar who is doing
this
16 directly with the UN, and he has been informing us of the
17 progress. But, as I said, so far we have no positive response
18 from the UN and, really, my intention was just to inform the
19 Chamber that that's where we are presently.

12:51:34 20 PRESIDING JUDGE: Well, I don't want to ask the question
21 yet, you know, but supposing it doesn't come? How do we move
22 from there? I'm not asking for a response, you know.

Supposing
23 the response does not -- or supposing they withhold their
usual
24 consent, you know, for those UN witnesses to appear, I mean,
what
12:51:56 25 will happen? In any event, let us leave it at this stage at
26 which you are now, you know, that is, that some efforts are
being
27 made --

28 MR OGETO: Yes, My Lords.

29 PRESIDING JUDGE: -- to get the witnesses here and for

us

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1 to hope that they will come eventually.

2 MR OGETO: Yes, the witnesses are actually here, three

of

3 them.

4 PRESIDING JUDGE: They will come before us. They are

here

12:52:19 5 but they cannot come before us because of the technical hitch.

6 MR OGETO: Yes.

7 PRESIDING JUDGE: Yes, where is the witness? The

witness

8 is not yet brought in.

9 MS KAMUZORA: My Lords, the witness is coming.

12:52:39 10 PRESIDING JUDGE: He is coming?

11 MS KAMUZORA: Yes, My Lord.

12 PRESIDING JUDGE: Mr Taku, this is DMK -- this is your

13 ninth witness, is it?

14 MR TAKU: Yes, Your Honour.

12:55:05 15 PRESIDING JUDGE: This is the ninth witness for the
Kallon

16 Defence?

17 MR TAKU: Yes, My Lord.

18 PRESIDING JUDGE: This witness is DMK --

19 MR TAKU: 108. 108, Your Honour. And she will be
12:55:16 20 testifying in Krio.

21 PRESIDING JUDGE: Will you swear the witness in, please.

22 MR TAKU: On the Koran.

23 WITNESS: DMK-108 [Sworn]

24 EXAMINED BY MR TAKU:

12:56:05 25 MR TAKU:

26 Q. Yes, witness, Your Honour, we will apply that somebody
to
27 assist her with the piece of paper -- I mean with a sheet of
28 paper and also to assist her to write because the witness
cannot
29 read and write.

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1 PRESIDING JUDGE: What do you want?

2 MR TAKU: Your Honours, to get hard information data, so
3 that we avoid getting to a closed session.

4 JUDGE BOUTET: But specify what it is you want. Her
name?

12:56:54 5 Or her role? Her function, whatever it is.

6 MR TAKU: Yes.

7 Q. Witness, please, because we don't want your name to be
made

8 public, you are a protected witness, so I will ask some

9 questions; you will give the answer to the officer near you
and

12:57:17 10 he will write the answer on the piece of paper. What are your

11 names, please? Tell him -- that officer. Where do you
reside?

12 What is your profession? Now, do you currently hold any

13 political position within Sierra Leone? If so, tell the
Court.

14 Please, Court Management should have this document, please.

If

12:58:31 15 that document contains the position -- that position --

16 PRESIDING JUDGE: But she can just mention it on that
piece

17 of paper. We don't need that document.

18 MR TAKU: Okay. Thank you, Your Honour.

19 PRESIDING JUDGE: We don't need. She can state it in
that

12:58:44 20 paper.

21 JUDGE THOMPSON: We might even lose the document. Looks
22 quite ancient.

23 MR TAKU: Yes, Your Honour.

24 Q. Now, do you know Mammy Queen? If you know Mammy Queen,
12:58:56 25 give the name to that officer. He will write it down. Mammy

26 Queen. Does she know somebody called Mammy Queen, she should
27 give the name.

28 WVS OFFICER: She is wanting you to clarify whether for

29 [REDACTED] or --

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1 MR TAKU:

2 Q. No, Mammy Queen for RUF.

redacted

3 MR TAKU: Your Honours, that information should be

4 on the record.

12:59:54
the

5 Q. Madam, if -- are you married? If you are married, give

position

6 name of your husband to that officer. If she held any

to

7 within RUF, in 1999 to May 2000, she should give that position

8 you to write it down. That will be all for the exercise,

9 Your Honours. Now give to Court Management. Show Their

13:01:25

10 Lordships and my colleagues, please.

11 MR TAKU: My Lords, we're seeking leave of the Court to

12 tender. My Lord, we are seeking leave of the Court to tender.

13 PRESIDING JUDGE: Any objections?

14 MR FYNN: None, My Lord, but I would wish for my learned

13:04:18
which

15 friend to mention the question again which has the answer

what

16 mentions one of the political parties. I am unclear as to

17 the question was.

18 MR TAKU: The question that whether she currently held a

19 political position within Sierra Leone.

13:04:39 20 PRESIDING JUDGE: Whether she held a political position
in

21 Sierra Leone.

22 MR TAKU: Yes, sir.

23 PRESIDING JUDGE: Yes, that was the question.

24 MR FYNN: Thank you, My Lord. No objection, My Lord.

13:04:49 25 MR JORDASH: No objection.

26 MR CAMMEGH: No objection.

27 PRESIDING JUDGE: Thank you. She talked of being a
Mammy

28 Queen. I heard you talking about RUF Mammy Queen or so? Was

29 it -- I heard something like a mention of RUF?

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1 MR TAKU: Yes, Your Honour. And since you have the
2 question, probably you will say that should be redacted, the
3 answer ought to be on that document. If she knew Mammy Queen
--

4 who Mammy Queen was. That's why --

13:06:57 5 PRESIDING JUDGE: Well, anyway, it's redacted, and it's
6 just a mention of what it is and --

7 MR TAKU: Ask her if she knew who Mammy Queen was and
that

8 she should give the name, the person, if she knew the person.

9 PRESIDING JUDGE: Yes.

13:07:23 10 MR TAKU: And I think she gave her answer there.

11 PRESIDING JUDGE: The Mammy Queen in what context, you

12 know? Can it be mentioned on this paper because the context

is

13 not mentioned.

14 MR TAKU: Okay, Your Honours. Please, can you help --

13:07:44 15 PRESIDING JUDGE: Because I see here, after that, you

know,

16 after the answer she has given, the next one is the name of

her

17 husband. Mammy Queen in what context, please? Let's have it

18 there.

19 MR TAKU: The question: If she knows who was Mammy

Queen

13:08:01 20 in the RUF context.

21 JUDGE BOUTET: What period of time are we talking about?

22 MR TAKU: From 1999 to 2000.

23 JUDGE BOUTET: Make sure that has been conveyed to the

24 witness. Make sure she did.

13:09:07 25 PRESIDING JUDGE: Mr Taku, what year was that again?

26 MR TAKU: 1999 to the year 2000, Your Honour.

27 PRESIDING JUDGE: You better show the additional

28 information to the parties and let's see. This paper

containing

29 the data that has been enumerated by learned counsel Mr Taku

is

1 admitted in evidence and marked as Exhibit 355?

2 MS KAMUZORA: My Lord, it's 355.

3 PRESIDING JUDGE: 355.

4 MS KAMUZORA: Yes, My Lords.

13:14:00 5 [Exhibit No. 355 was admitted]

6 MR TAKU:

7 Q. Madam witness --

8 PRESIDING JUDGE: Mr Taku, I'm afraid we may have to
stop

9 here and go for lunch. You'll proceed with the witness in the

13:14:15 10 afternoon unless you -- you're finished your preliminary

11 questions, I'm sure.

12 MR TAKU: Yes, Your Honours.

13 PRESIDING JUDGE: You are going to the details now?

14 MR TAKU: Yes, Your Honour.

13:14:23 15 PRESIDING JUDGE: Right. So can the Court Management
have

16 this exhibit, please.

17 MS KAMUZORA: My Lords, shall we classify it as

18 confidential?

19 PRESIDING JUDGE: It's confidential, yes, of course.
It's

13:14:39 20 filed confidentially, please. The Chamber will recess for
lunch,

21 please. We will rise.

22 [Luncheon recess taken at 1.05 p.m.]

23 [RUF29APR08C-BP]

24 [Upon resuming at 2.45 p.m.]

14:56:30 25
are

PRESIDING JUDGE: Learned counsel, good afternoon. We

26 starting a bit -- a bit late, but if you look at your screens
27 later, you would take note of what we filed in respect of the
28 final briefs. It has just been filed. We were to file it
29 yesterday, but it turned out to be a public holiday, so it is
now

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position

1 filed and you should be able to have it. I'm not in a

other

2 to giving you the details other than saying what I said the

will

3 day, and that is that we've been quite generous. I hope you

14:58:08

4 make a judgment of our generosity and conclude that we have in
5 fact been generous.

Or

6 Yes, Mr Taku, your witness. May we continue, please.

7 rather -- we had already started. Let's continue.

8 MR TAKU: Good afternoon, My Lords.

9 Q. Good afternoon, madam witness.

14:58:26 10

A. Afternoon.

11 Q. Yes. December 1998, where were you?
12 A. I was in Makeni.
13 Q. Did anything happen in Makeni in that month that you
want
14 to tell Their Lordships?
14:59:09 15 A. Yes.
16 Q. Can you tell them, please. Tell the Court what
happened?
17 A. Okay. During that time it was around the Ramadan time.
18 The Christmas and the Ramadan came at the same time. After we
19 had -- after we were finished our fasting and we were waiting
for
14:59:40 20 the last for prayer, I heard firing.
21 Q. Did you know who was firing, what was happening -- no,
22 sorry. Did you know who was firing, madam?
23 A. Well, at one time I went to Blama. I heard some groups
24 firing and then the government were also firing.
15:00:26 25 Q. Which group was firing?
26 A. Government groups were firing and the other groups were
27 also firing.
28 Q. Do you know how they were firing?
29 A. Yes.

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1 Q. Tell the Court?

2 A. The RUF fired. When they fired, they make bakum, bakum.

3 For the government they were firing they made a sound boom,
boom.

4 JUDGE BOUTET: Would you clarify what the witness means
by

15:01:13 5 "government."

6 MR TAKU:

7 Q. Yes. When you said "government" you mean who, madam?

8 A. The SLA soldiers.

9 Q. So this time in Makeni at this month of December did you
15:01:39 10 hear that type of firing in Makeni?

11 A. Yes.

12 Q. And what did you do?

13 A. I told my sisters that we should run away because I have
14 found out that there is different firing in the town. Let us
run

15:02:06 15 away.

16 Q. Did you run away?

17 A. Yes.

18 Q. You run away to where?

19 A. To Wusum Hills.

15:02:30 20 PRESIDING JUDGE: Ran away to where?

21 THE WITNESS: Wusum Hills.

22 MR TAKU:

23 Q. Did you finally discover the people who were firing?
Did

24 you see them?

15:02:46 25 A. No, I did not see them. It was only the sound of the
26 firing I heard.

27 Q. So when you escaped to Wusum Hills, what happened after
28 that?

house 29 A. Well, we slept there. In the morning we came to our

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1 for food.

2 Q. So when you came to your house for food in the morning,
3 what happened, madam?

men 4 A. Well, we had wanted to return. Then I saw some set of
15:03:37 5 passing. I greeted them, thinking that they were just one of
6 those who are with us in town.

7 Q. You greeted them. Did you discover whom those men were,
8 after?

9 A. Yes, sir.

15:04:03 10 Q. Who were they?

11 A. The man introduced himself to me that he was an RUF.

12 Q. Did he tell you his name?

13 A. Yes.

14 Q. What was the name?

15:04:25 15 A. Hindo Koroma, G5 commander.

16 Q. Did he -- did you talk -- or did you hold a conversation

17 with him?

18 A. Yes.

19 Q. What did you discuss with him?

15:04:50 20 A. He said: Let us don't go anywhere. They have come with
the 21 peace to rescue us, so let us see them. Let us don't go to
and 22 bush. But still I was afraid. He said his bosses were there
-- 23 that they were coming, so we should not go anywhere. We also
24 we sat there and we looked up to God until his bosses came.

15:05:31 25 Q. Now, before that encounter with RUF when you met -- when
there 26 they came to Makeni, were there any -- do you know -- were
27 forces in Makeni before the RUF came?

28 A. Yes.

29 Q. Who were they?

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1 A. They were SLA soldiers.

2 Q. Can you tell the Court the relations -- the relationship
3 between this SLA and the civilian population in Makeni?

4 A. Well, the relationship was not better. It was not good
15:06:39 5 enough.

6 Q. Can you explain further what you mean by that?

7 A. Yes, sir. Because they were not treating us, the
8 civilians, properly.

9 Q. What did they do that you said it was not proper?

15:07:05 10 A. If we go with our markets, they will take our market
from

11 us. They would molest us. They would steal our properties.

12 They do a lot of evils on us.

13 Q. Now, when the RUF came to Makeni, within this period,
14 that's December 1998, can you tell the Court the nature of the

15:07:36 15 relationship between the civilian population of Makeni and the
16 RUF?

17 A. Yes.

18 Q. Tell the Court.

19 A. Well, the SLAs, we bless the RUF that came into Makeni
15:08:08 20 because they gave us chance for us to sell. They allowed us
to

21 sell and give us everything and then we are moving smoothly
with

22 them.

23 Q. Apart from Hindolo Koroma, is there -- let me just put
it

24 this way. Madam, do you know Morris Kallon?

15:08:37 25 A. Yes.

26 Q. If you see him, can you identify him?

27 A. Yes.

28 Q. Is he in this courtroom?

29 A. Yes.

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1 MR TAKU: My Lord, we seek leave of the Court for the
2 witness to identify Mr Kallon in the courtroom.

3 PRESIDING JUDGE: Yes.

4 MR TAKU:

15:09:02 5 Q. Can you identify him, madam, in the courtroom here?

6 A. Can I come out?

7 MR TAKU: You can stand, madam.

8 JUDGE BOUTET: But she has to be careful.

9 PRESIDING JUDGE: She is not that tall.

15:09:19 10 THE WITNESS: Look at him over there.

11 JUDGE BOUTET: Which one?

12 THE WITNESS: After this black bag, the one who has some
13 shades on his face.

14 PRESIDING JUDGE: Those are not shades. Are they
glasses

15:09:36 15 or shades?

16 THE WITNESS: Well, I don't know the difference, sir.
You
17 have to forgive me, sir.

18 PRESIDING JUDGE: The man wearing spectacles?

19 THE WITNESS: Yes, sir.

15:09:48 20 MR TAKU:

21 Q. Madam, you can sit down, thank you.

22 MR TAKU: Your Honours, we wish to apply that the record
23 reflect --

24 PRESIDING JUDGE: Yes, it does or it will. The witness
has
15:10:02 25 identified, you know, the accused person Kallon.

26 MR TAKU:

27 Q. Madam, within this time did you see Mr Kallon in Makeni
28 when the RUF came? Did you see him when the RUF came?

29 A. No.

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1 Q. When did you see him?

2 A. It was long. I saw some of the RUFs.

3 Q. Now, madam, from January 1999 to May 2000, do you know
4 where Mr Kallon was staying?

15:10:54 5 A. Magburaka.

6 Q. How do you know that he was staying in Magburaka --

7 PRESIDING JUDGE: From January?

8 MR TAKU: January 1999 to May 2000, Your Honour.

9 Q. How do you know he was staying in Magburaka?

15:11:16 10 A. Well, I asked the G5 commander and he told me that he
was

11 in Magburaka. I also went there to visit him.

12 Q. Now, you say you went to visit him in Magburaka?
13 A. Yes, sir.
14 Q. Madam, while in Magburaka, did you see any child
soldiers
15:11:59 15 -- children carrying guns -- in the house of Mr Kallon?
16 A. No, sir.
17 Q. Okay. Now let's move back. Madam, you know Superman --
18 somebody called Superman?
19 A. Yes, sir.
15:12:22 20 Q. You know XXXXXXXXXXXX?
21 A. I know them well.
22 Q. From March 1999 to October 1999, did you see them in
23 Makeni?
24 A. They were -- they were in charge of Makeni.
15:12:48 25 Q. Now, madam, you said that -- now, from the period
October
26 1999 to May 2000, can you tell the Court who were the
commanders
27 of the RUF in Makeni? If you know their names, tell the
Court.
28 A. We had Ambassador Kallon; we had Colonel Jalloh; we had
29 Jimmy; we had Alpha Momo, and others.

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1 Q. Do you know one Kailondo?

2 A. Kailondo, it was after Superman had gone, Kailondo came
and
3 took over his office.

4 Q. Now, madam, between October 1999 and May 2000, did you
used
15:14:05 5 to see Mr Kallon in Makeni?

6 A. He would come and visit us.

7 Q. Now, explain. When you say he would come and visit us,
in
8 what circumstances would he come and visit you?

9 A. Well, he would come and talk to us civilians for -- in
15:14:41 10 concerning our welfare, if they are not disturbing us.

11 Q. Madam, within this time that you say you knew Mr Kallon,
he
12 used to come and visit you, apart from just being in the RUF,
do
13 you know any other activities that he was carrying out within
the
14 localities of Magburaka, Masingbi and Makeni? If you know,
tell
15:15:31 15 the Court.

16 A. I know a lot.

17 Q. Tell the Court, madam.

18 A. He was a businessman already. He had one club called
19 Supercase; he had Morrison's Club and the one in Masingbi, I
15:15:56 20 don't know its name.

21 Q. Now, this club --

22 PRESIDING JUDGE: What did you call the other one?

23 Morrison what? Morrison Club?

24 THE WITNESS: Morrison Club, sir. The one in Magburaka.

15:16:21 25 MR TAKU:

26 Q. Morris Star. Well, madam, the one in Makeni, what's the
27 name of that one in Makeni?

28 A. Supercase.

29 Q. Now, madam, this bar in Supercase, do you know how

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1 Mr Kallon acquired that bar?

2 A. Yes, sir.

3 Q. Tell the Court.

4 A. He had the place through one of my comrades, XXXXXXXX
15:17:21 5 alias XXXXX.

6 Q. How did you know?

7 A. Because when he went --

8 PRESIDING JUDGE: One of the comrades, Adama who?
What's

9 her name again?

10 THE WITNESS: Adama Bangura, sir.
15:17:38

11 MR TAKU:

12 Q. Yes, madam, within this time, do you know the relations
--

13 nature of the relationship between Mr Kallon and the civilian
14 population?

15 A. Yes, sir.
15:18:12

16 Q. Tell the Court what you know.

17 A. It was too much but it was not bad. After God, then we
18 bless Mr Morrison, because they made us have peace in Makeni.

19 MR TAKU: Your Honours, they say it's Mr Morris. I'm
15:18:48 20 hearing the interpreter say Mr Morrison. They persist in
saying

21 Mr Morris.

22 Q. Madam, let us move quickly. On the 1st -- okay, tell
the
23 Court what you know, please. You already answered. Go ahead.
24 What were the nature of his relationship with the civilian
15:19:16 25 population?

26 A. The relationship? If we -- if things were difficult for
27 us, we will go to him, we will cry to him, they would attend
to
28 us. In fact, we had one orphanage and then the next commander
29 took care of them. Then if they come and they call them,

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1 summoned a meeting, they will beg their boys not to molest or
2 harass us, there's no raping, or doing anything else to us.
3 Anything that is bad they should not do it to us.

4 Q. Now madam, do you know if in 1999 Mr Foday Sankoh came
to

15:20:18 5 Makeni?

6 A. Yes, sir.

7 Q. Did you see him?

8 A. I saw him, sir.

9 Q. What did he do when he came to Makeni?

15:20:38 10 A. He went to Wusum Field with some white people. They
went

11 there and addressed -- he addressed in the meeting. He called

12 us. He summoned us to a meeting. He spoke to us about his

13 children, that they should disarm.

14 Q. Did you find out whom these white people were that were

15:21:26 15 there also?

16 A. No, I just saw white people. I was not able to tell.

But

17 they all had -- they all had combatant soldier clothes.

18 Q. When you say Mr Foday Sankoh told his children to

disarm,

19 whom are you referring to as his children?

15:21:49 20 A. I think three of them are here.

21 Q. Okay. Madam, let me move to another subject quickly.

On 1

22 May 2000, where were you?

23 A. I was in Makeni.

24 Q. Do you know where the DDR camp in Makeni is situated?

15:22:49 25 A. Yes.

26 Q. It was situated where?

27 A. It was in Makump.

28 Q. Did you go to the DDR camp at Makump on 1 May 2000?

29 A. Yes, sir.

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come

and

15:23:48

15:24:10

15:24:18

on

questions

1 Q. Did you see Mr Kallon there on that date?

2 A. Well, Mr Kallon was coming from Magburaka. He would

3 to Makeni. He saw me standing on the juncture with Mr Bokanu

4 then he stopped to greet us. Mr Kanu -- Mr Kallon came from

5 Magburaka. He was going to Makeni. He met me right on the

6 junction and he stopped there and greeted us.

7 Q. He stopped and greeted you and who?

8 A. Me and Mr Kanu.

9 Q. What time was that?

10 THE INTERPRETER: Your Honours can the witness be

11 instructed to wait for the interpretation, otherwise there is

12 going to be some duplication.

13 MR TAKU:

14 Q. What time was that?

15 PRESIDING JUDGE: Can you advise your witness, please,

16 what you have heard from the interpretation booth.

17 MR TAKU:

18 Q. Okay. Madam, just wait. Be calm and answer the

19 only. On that day where were you?

15:24:30 20
first

PRESIDING JUDGE: Let her wait for the interpretation

21 before answering. She should not answer before the
22 interpretation comes, otherwise there will be confusion.

23 THE WITNESS: Yes, sir.

24 MR TAKU:

15:24:44 25
you

Q. You said Mr Kallon was coming from Magburaka and he saw

26 and Mr Kanu. At what place? Which place?

27 A. At the DDR camp at the junction.

28 Q. At what time?

29 A. It was in the morning hours.

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1 Q. What were you doing there?

going

2 A. Well, the woman who was taken from Freetown to cook, she
3 said she could not be able, so since we were there she was

4 to hand over the cooking to us, for those who are going to be

15:25:27 5

disarmed. She was one Miss Aminata Ajami.

6 Q. Now this Mr Kanu, what was he doing there?

there

7 A. Well, we were all there in the G5, so he himself went

8 to see the base, how it was made, or --

9 Q. So when Mr Kallon saw you that morning, what did he say?
15:26:01 10 Did he talk to you?
11 A. Yes, I came and met him. We spoke.
12 Q. What did you both talk about?
13 A. First, the place where we are to cook, the place was not
14 nice. It was too dirty. Then Mr Kallon turned around the
15:26:32 15 junction and he saw some belts made with some sticks and he
asked
16 Mr Kanu, he say: What is this? He said: These are the belt
for
17 those who are coming to disarm. And he said: Oh, a sheep in
18 fact cannot lie on that bed. Then we said: Mammy, mamma, you
19 see, do you see the place is dirty. And then I said: Okay,
so
15:26:53 20 we moved from the place. He went to Makeni.
21 Q. Now, you say he went to Makeni. Did you accompany him
to
22 Makeni?
23 A. Yes, yes, I boarded his vehicle and we all went.
24 Q. Now, you followed him to Makeni. Where did he drop you
15:27:18 25 when you got to Makeni?
26 A. Yes.
27 Q. Mammy, wait a bit. When you hear the question you give
the
28 answer. Where did he drop you in Makeni?
29 A. He dropped me by PZs.

1 Q. Now, did you go back to the DDR camp?

2 A. Yes.

3 Q. At what -- now, how long did you stay in that -- at that
4 place before going back to DDR camp?

15:28:02 5 A. I, it was not long. The person I went to find, they
said

6 they have taken a taxi, so I also took a taxi to chase them.

7 Q. Now, when you got back to the DDR camp, did you see
8 Mr Kallon again?

9 A. No, I did not see him at all.

15:28:20 10 Q. Did you see his car drive past?

11 A. Yes.

12 Q. From which direction to which direction?

13 A. From Makeni to Magburaka.

14 Q. Do you know the time -- the approximate time?

15:28:43 15 A. No, I cannot remember the time.

16 Q. Okay. When Mr Kallon went back to Magburaka, is there
17 anything that happened in that camp that you know of? Did you
18 remain -- did you remain in that camp when Mr Kallon drove
past
19 and went to Magburaka?

15:29:07 20 A. Yes.

21 Q. Is there anything that happened after that -- that you
saw
22 in that camp?

23 A. Yes.

24 Q. Tell the Court.
15:29:17 25 A. Yes, sir. Well, we were sitting one afternoon. I
called
26 out -- I called my -- the woman I took to the camp so that we
can
27 do the work, and we saw Mr Kailondo. He came with his troop.
By
28 then we were just trying to clean the fish and then he shot
up.
29 He said: I would not want to see any civilian here. You have
to

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Let 1 move. So we also moved. We left there. I told my sisters:
2 us all go.

3 Q. That time Mr Kailondo came there, when he said all the
4 civilians should leave, did you see Mr Kallon, with Mr
Kailondo?

15:30:14 5 A. No, no, no, no, no. I did not see him at all.

6 Q. You know the time Kailondo came, was it in the morning
or
7 in the afternoon?

8 A. It was in the afternoon, sir.

9 Q. The time Mr Kallon passed back to Magburaka, was it in
the
15:30:34 10 morning or the afternoon?

11 A. It was not too early. It was morning he came to Makeni.
12 But when he was going, it was not too early.
13 Q. Did you ever see Mr Kallon with Kailondo that day?
14 JUDGE BOUTET: She just answered to you.
15:31:00 15 PRESIDING JUDGE: She said they weren't together.
16 THE WITNESS: No, sir.
17 MR TAKU:
18 Q. Now, when Mr Kailondo came and said all the civilians
19 should leave, how did he come? Did you see him doing anything
15:31:11 20 when he came?
21 A. Kailondo, sir?
22 Q. Yes, madam.
23 A. Yes.
24 Q. What did he do?
15:31:27 25 A. He shot up. When he fired, he said we should all leave
the
26 camp, and we left there, so we all went back to Makeni.
27 Q. Now, was Kailondo -- did you see -- did Kailondo come
alone
28 or came with some people?
29 A. He came with some people.

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1 Q. Now, madam, you said when Mr Kallon stopped to greet you
2 and Mr Andrew Kanu he saw the bed, he said the place was
dirty.

3 Can you tell the Court if, indeed, the place was dirty?

4 A. The place was dirty, sir. Just as the place where 4,000
15:33:00 5 sheeps do sleep.

6 PRESIDING JUDGE: What is the relevance of the bed and -
7 to the proceedings?

8 MR TAKU: Okay, Your Honour.

9 PRESIDING JUDGE: Whether the bed was clean or it was
dirty

10 -- I mean, I'm not saying you can't ask the question. I mean,
I
11 just said, I mean, what's the relevance to the proceedings?

12 MR TAKU: Thank you, Your Honours.

13 Q. Now, madam, when you got to Makeni, did you go to any
place
14 or did you remain in Makeni?

15 A. Well, when I sleep, in the morning I'll go off; I go
15:33:34 away.

16 Q. You go to where?

17 A. I'll go where I'm doing my business.

18 JUDGE BOUTET: So what are we talking about now, Mr
Taku?

19 MR TAKU: Sir?

20 JUDGE BOUTET: What are we talking about now? The next
21 day, or what?

22 MR TAKU: The very day, when she got to Makeni. That is
1
23 May.

24 JUDGE BOUTET: She seemed to be talking in the morning.
15:34:02 25 She goes back in the afternoon, so I'm a bit confused of what
it
26 is she is talking about.
27 MR TAKU:
28 Q. Yes. Madam, on 1 May, that very day that Kailondo came
and
29 drove all the civilians and fired a gun, you say you went to

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1 Makeni. Did you remain in Makeni --
2 A. Yes, there I stopped. I left Makeni.
3 Q. You left Makeni and went to where?
4 A. I went where I am selling, out of Makeni.
15:34:38 5 Q. Okay. Where? Where? What's the name of that place,
6 Madam?
7 A. It was in Kono.
8 Q. Now, when Morris Kallon stopped in the morning on his
way
9 to Makeni, that's on 1 May, did you see the people who were
with
15:35:15 10 him?
11 A. Yes.
12 JUDGE BOUTET: Did she say there were people with him?

13 MR TAKU:

14 Q. Were any persons with him in his car?

15:35:22 15 JUDGE BOUTET: She is your witness, Mr Taku.

16 MR TAKU:

17 Q. Did you see any persons with him in his car?

18 A. Yes.

19 PRESIDING JUDGE: Did she say he came in a car?

15:35:33 20 MR TAKU: No. Thank you, Your Honours.

21 Q. Now, how did he come? How did he come when he came from

22 Magburaka towards Makeni, when he saw you and stopped, how did

he

23 come to that spot?

24 A. He came from Magburaka. He came from Magburaka. He

15:35:52 25 stopped at the junction, him, his driver Hindo Koroma, they

were

26 all in that vehicle.

27 Q. What sort of car was that, madam?

28 A. It was a Mercedes.

29 Q. Now, when he came with Hindo Koroma and saw you and

Andrew

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1 Kanu and stopped, did you see him with a gun in his hands?

2 A. No, sir.

3 Q. Did Mr Kallon scare you to leave the place?

4 A. No, he did not scare us.

15:36:55 5 JUDGE THOMPSON: [Indiscernible].

6 MR TAKU: Sir.

7 JUDGE THOMPSON: Was that a permissible question?

8 MR TAKU: Well, I'm just looking at the evidence --

9 JUDGE THOMPSON: Yes, I know. But it's as if you are

15:37:07 10 letting your guards down in terms of the rules governing

11 examination-in-chief.

12 MR TAKU: I'm sorry, sir.

13 JUDGE THOMPSON: Sort of series of suggestible

questions.

14 Go ahead.

15:37:22 15 MR TAKU: I'm sorry, sir. Let me move to something

else.

16 Q. Now, madam, on --

17 A. Sir.

18 Q. -- on 8 December -- no, on 8 May -- on 8 May 2000, did

you

19 hear anything you know of that happened to Foday Sankoh?

15:37:52 20 A. I was in Makeni and we heard that he had -- he had been

21 captured.

22 Q. Where?

23 A. In town.

24 Q. Town? When you say town, where?

15:38:18 25 A. Freetown.

26 Q. Now you were [indiscernible] do you know, madam, whether

27 after the arrest of Foday Sankoh, do you know whether the

28 disarmament process continued?

29 A. Yes, sir.

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1 Q. Do you know whether Morris Kallon supported the
initiative?

2 A. Yes, sir.

3 Q. Tell the Court how you know?

4 A. Well, he went around and spoke to the boys that they
should

15:39:07 5 go and disarm and then he went to the Gbethis. They have a
set

6 of fighters whom they went and collected. They got them so
that

7 they would all disarm.

8 Q. Were you present during the disarmament?

9 A. Yes, sir.

15:39:36 10 Q. Tell the Court what happened?

11 A. Well, that disarmament. It was too good because we took
12 all our children with the native dance so that they will all
go

13 and disarm.

14 Q. Did you see Mr Kallon there?

15:39:58 15 A. They carried them in there so that they could disarm.
It

16 was at community centre.

the
17 JUDGE BOUTET: Madam, you testified that you did go to
18 community centre to disarm. So did you yourself proceed to
19 disarm?

15:40:44 20 THE WITNESS: No, I am a civilian.

21 JUDGE BOUTET: Thank you.

22 MR TAKU: One minute, My Lord. Let me consult the
client.

23 My Lord, that is all in chief for the witness.

24 Q. Madam, my colleagues the lawyers, will ask you some
15:41:22 25 questions and the Prosecutor, you understand? Do you
understand?

26 A. I have heard, sir.

27 Q. All right. Thank you.

28 PRESIDING JUDGE: Mr Jordash.

29 MR JORDASH: May I just take very brief instructions?

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1 PRESIDING JUDGE: Yes, please.
2 MR MARTIN: Could I as well, please, Your Honours.
3 take instructions from my client, Your Honours. Thank you.

4 PRESIDING JUDGE: Yes.

15:42:53 5 MR JORDASH: No questions, thank you.

Could I

--

6 PRESIDING JUDGE: Yes, Mr Scott Martin, do you have any

7 MR MARTIN: No questions either.

8 PRESIDING JUDGE: No questions.

9 MR MARTIN: Thank you.

15:43:48 10 PRESIDING JUDGE: Yes, Mr Fynn.

11 CROSS-EXAMINED BY MR FYNN:

12 MR FYNN:

13 Q. Madam Witness, I will now ask you some questions on
behalf

14 of the Prosecution. Now, it is your testimony that the RUF

15:44:16 15 invaded Makeni in December 1998, correct?

16 A. Yes.

17 Q. And you will confirm that during that invasion,
civilians

18 were killed?

19 A. Are you asking me, sir?

15:44:57 20 Q. Yes. Madam Witness, you will confirm -- you would agree
civilians

21 with me that during the invasion of Makeni by the RUF,
22 were killed?

23 A. No, I did not see that with my eyes.

24 Q. Is it your evidence that nobody was killed during that
15:45:20 25 invasion?

26 A. I did not see that with my eyes. The only people whom I
27 feel whom they were -- whom they were killing, it was the
plane

28 that was coming out from here and it will drop some bombs on
us

29 and it was we, the civilians, who died. It was the jet that
was

1 coming from here, that was the one that killed people there.

looted

2 Q. Madam Witness, you would agree with me that the RUF

3 civilian property while they invaded Makeni?

it.

4 A. Well, me, I did not see that. I did not see them doing

15:46:14

5 Because they were all with us. In fact, they made us to have

6 peace. More, we the strangers, it was the RUF who saved us.

losing

7 Q. Madam Witness, did you hear at all of any civilians

8 their property during that invasion?

together.

9 A. I did not see. I did not hear because we are all

15:46:46

10 I did not hear that. Because if it did happen, I would have

would

11 known because anything that was done to the civilians, we

see

12 know. If they do good to us, we would know. So we did not

13 where RUF did any bad to us.

14 PRESIDING JUDGE: The question is: Did you hear of any

15:47:08

15 civilians, you know, who lost their property during that

16 invasion? It's not whether RUF or so -- they didn't ask you

17 that.

18 THE WITNESS: No. No.

19 MR FYNN:

15:47:21 20 Q. Madam Witness, did you hear of any civilian property
being

21 destroyed during that invasion?

22 A. No.

23 Q. Madam Witness, I would suggest to you that during that

24 invasion the RUF burned down houses in Makeni; how do you

15:47:45 25 respond?

26 A. Who burned the houses? Who burned the houses? Because

I

27 did not see houses that were burned.

28 JUDGE BOUTET: Mr Fynn, I know you are using the word

29 invasion but maybe you could try to be more specific with the

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1 witness. Maybe invasion is confusing to her. I don't know.

2 MR FYNN: Thank you, My Lord.

3 JUDGE BOUTET: Maybe a time frame rather than the word

4 invasion.

15:48:20 5 MR FYNN:

6 Q. Madam Witness, in December 1998 when the RUF attacked

7 Makeni, they burnt down civilian houses, correct?

8 A. It is not correct, sir.

raped

9 Q. Madam Witness, you will agree with me that women were

15:48:45 10 during that invasion -- during that attack?

11 A. It is -- it was -- it is a lie, sir. No woman was raped
12 there.

You

13 Q. Madam Witness, you testified regarding an orphanage.

included

14 would agree with me that the children in that orphanage

15:49:18 15 former child combatants?

the

16 A. No. I never saw any child combatant. For us, it was

children

17 children that were left in the street. Those were the

had

18 we gathered and we heard them. Some of them, their mothers

of

19 left them in the street. There was a crazy woman, she had a
15:49:56 20 child about four months. We took that child and we took care

21 that child.

22 Q. But Madam Witness, you will confirm that there were, in

23 fact, child soldiers who fought alongside the RUF?

24 A. No. No.

15:50:22 25 Q. Madam Witness, is it your evidence that you have never
26 heard of child combatants being involved in the Sierra Leone
27 civil war?

28 A. No.

29 Q. But you would agree with me that before working with the

1 orphanage, you had known about the RUF?

2 A. I had known about the RUF, but we had had the children
3 before that.

4 Q. And at that time had you heard that the RUF had child
15:51:11 5 soldiers with them?

6 A. I did not see with my eyes and, in fact, I did not see
them
7 at all.

8 Q. But did you hear -- did you hear about them?

9 A. No, I did not hear that.

15:51:37 10 Q. And as far as you're concerned there were never child
11 combatants in the war?

12 A. No, I don't know about other places, but I did not see a
13 child combatant with those in Makeni.

14 Q. Now, it is your evidence that Foday Sankoh came to
Makeni

15:51:57 15 in 1999 and that he spoke and asked that the children should
16 disarm. I would suggest to you that Foday Sankoh meant
fighters
17 who were 15 years and below, correct?

18 A. Well, when Foday Sankoh came, the ones I saw disarming,
19 they were all big men -- big boys.

15:52:33 20 Q. Did you not see child soldiers with Foday Sankoh when he
21 came to Wusum?

22 A. Not at all. I did not see any child there. There was
no

23 small boy there. I never saw him with my eyes.

24 Q. Madam Witness, I would suggest to you that Mr Kallon had
15:53:07 25 children -- small boys -- among his bodyguards?

26 A. Well, I don't know that. When I go to visit him, I
don't
27 see them. His mother, his wife's mother, his wife and some
28 civilian, those are the people I usually meet there in that
town
29 Magburaka because he was doing -- he was being very kind to
us.

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1 I did not see any child in his house.

2 Q. Madam Witness, you never saw any child in Mr Kallon's
3 house, correct?

4 A. I did not see -- I did not see a child in his door when
I
15:53:59 5 go to visit them. When I generally go to visit him I would
only
6 see his mother-in-law, his mother and his own family.

7 Q. But you will confirm that you did, in fact, see armed
men,
8 people with guns, in his house?

9 A. Well, for me, I don't know whether he had them there. I

15:54:23 10 will just meet them there. They were all in civilian attire
so I

11 would not know whether they were soldier men. They were all
big

12 men.

13 Q. Madam Witness, is it your evidence that you did not see
14 anybody with a gun in Mr Kallon's house?

15:54:40 15 A. I did not see that with my own eyes.

16 Q. Madam Witness, I would suggest to you that you are
17 misleading this Court and that Mr Kallon did, in fact, have
18 bodyguards with guns all around him?

19 A. Well, he knows. But I don't know.

15:55:05 20 Q. Madam Witness, you would agree with me that when
21 Mr Kallon -- we're moving on to the DDR camp now -- when
22 Mr Kallon came to the DDR camp, he suggested that the place
will
23 not be used by the RUF?

24 A. I don't understand, sir.

15:55:38 25 Q. I'm sorry, Madam Witness. Bad question. When Mr Kallon
26 came to the DDR camp, he said that the RUF would not use that
27 place?

28 A. No, he did not say so. He did not say anything which
has

29 to do about the children should not be disarmed, no, or no --
for

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1 disarming they should not use that camp, no. He never said
2 anything of that nature.

3 Q. Madam Witness, it is true that Mr Kallon said that the
beds
4 which were being made were being made for sheep and animals?

15:56:39 5 A. Even myself, I will not reside there because the camp
was
6 dirty, stinking, the place was not floated. Even we who were
7 hired to cook, I refused to cook because the place was dirty
8 because if you cook in a filthy environment you are giving
9 disease to the people.

15:57:07 10 Q. Madam Witness, the question was that Mr Kallon did say
that
11 the RUF would not stay in that place?

12 A. I did not hear that, sir.

13 Q. But you did hear him say that the place was meant for
14 animals?

15:57:35 15 A. He showed us the condition of the place and it was not
16 good. It was not good at all because we were there. So he
17 didn't say anything. I went together with him and boarded his
18 vehicle and we went to Makeni.

19 Q. Madam Witness, you do know that Mr Kallon, in fact, said
15:58:06 20 that that place was being made for animals?

21 A. He said this word to us and he didn't make it --
pronounce
22 it publicly because there were no other people except we who
were
23 there.

24 Q. But he did say it?

15:58:34 25 A. My Lord, all that I knew is what I have testified.

26 Q. Madam Witness, Mr Kallon having said that the place was
27 meant for animals, you would not have been surprised when he
came
28 back --

29 PRESIDING JUDGE: Yes.

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say
not
1 MR TAKU: Your Honours, I wanted to -- my colleague to
2 exactly what the witness said. She said that this place is
3 fit, but she didn't say that this place meant for animal. She
4 say it's not fit.

15:59:20 5 PRESIDING JUDGE: But there again, you know, when she
6 was -- when the question was followed, she said, you know,
that
7 he did not even say it upon -- he only said it, you know,
amongst
8 themselves there.

9 MR TAKU: Thank you, Your Honours.

15:59:37 10 MR FYNN:

11 Q. Madam Witness, Mr Kallon returned to the DDR camp with
12 other soldiers; am I correct?

13 A. No, he never went back there. I didn't see him there.

14 Q. Madam Witness, I would suggest to you that you were not
at
16:00:08 15 the camp at the time of the incident?

16 A. Well, I know that I was at the camp. What transpired is
17 what I have testified.

18 Q. Madam Witness, you returned to Makeni with Mr Kallon
19 according to you, correct?

16:00:29 20 A. In the morning. It was in the morning. When he left me
at
21 the roundabout, the person that I was going to meet had gone
22 ahead so I chased him to the camp. So because both of us were
23 cooking, so I went and met them so that we can proceed with
our
24 work.

16:00:54 25 Q. So Madam Witness, you are suggesting that you returned
to
26 the camp. Did you return with Mr Kallon?

27 A. No, I took a taxi cab.

28 Q. Madam Witness, I would suggest to you that it was Mr
Kallon
29 who led Hindolo, Kailondo, and others, to destruct the DDR
camp?

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1 A. That was not how it happened, sir.

2 Q. Madam Witness, you are an RUF member, correct, not so?

3 A. I am a civilian. But when they came, the way they
treated

4 us, that was why we too welcomed them.

16:02:05 5 Q. Madam Witness, albeit you are a civilian, nonetheless,
you

6 worked for the RUF; not true?

7 A. Yes, because I was fighting for peace.

8 Q. And during the time you worked for the RUF, you had
become

9 loyal to Mr Kallon, correct?

16:02:27 10 A. I worked for the RUF even at meetings -- we'll attend
Colonel

11 meetings together with General Opande, Adeniji, Oladipo,
them

12 Hassan, all of them knew me. I was with them to encourage

13 so that we can have peace. I am not alone. We were more than
50

14 who normally went along with them.

16:03:05 15 Q. And during all of that, Madam Witness, my question is
that

16 you had become quite loyal to Mr Kallon?

17 A. Not Kallon per se. Not just Kallon. All of them. Let
me

18 just say --

19 PRESIDING JUDGE: [Overlapping speakers] Kallon first

16:03:32 20 before you go elsewhere.

21 THE WITNESS: Yes, sir.

22 MR FYNN:

23 Q. You had become loyal with Mr Kallon and, in fact, that's

24 why you are here to assist him, correct?

16:03:45 25 A. Yes.
26 Q. Thank you very much, Madam Witness. That will be all
for
27 her, My Lord?
28 A. Thank you too.
29 PRESIDING JUDGE: Yes, Mr Taku, any re-examination.

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1 MR TAKU: Just one questions, Your Honours.
2 PRESIDING JUDGE: If it is permissible.
3 MR TAKU: Yes, sir.
4 PRESIDING JUDGE: Yes, go ahead.
16:05:04 5 RE-EXAMINED BY MR TAKU:
6 MR TAKU:
7 Q. The Prosecutor has asked you that you have become loyal
to
8 Mr Kallon. That's why you have come to assist him and you
said
9 yes. Do you remember that?
16:05:20 10 A. Yes.
11 Q. Can you tell the Court why you have come to testify for
12 Mr Kallon?
13 MR FYNN: My Lords, if I may I would wish to take an
14 objection. I do not know under which leave --

16:05:36 15
examination.

PRESIDING JUDGE: But you raised it in cross-

16 MR FYNN: My Lord it was --

17 PRESIDING JUDGE: [Indiscernible], you know, you have
18 raised it, you know, because you said she has come here to
19 testify because of her loyalty to Kallon and that she has come

16:05:50 20 here to help him and she said yes. So it's a permissible
21 question you know during -- in re-examination.

22 MR FYNN: Unless, My Lord, there is some -- in addition
to
23 having a reason under cross-examination, it was answered, I
24 believe, with sufficient clarity, My Lord.

16:06:10 25 PRESIDING JUDGE: Well, whether it was, that is why, you
26 know, it should be raised because the issue of loyalty and her
27 specifically coming here to help him out, you know, is in
issue
28 so it's a permissible question.

29 JUDGE BOUTET: But if I may, Mr Presiding Judge, I fail
to

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the
1 understand the question. Your asking the very same question

2 Prosecution has asked so what is it you want to do in

3 re-examination.

4 PRESIDING JUDGE: That is the relevance, you know, it is
a
16:06:38 5 reason, so.

6 MR TAKU: Your Honour, why has she come here to testify
for
7 Kallon. He said to help him. We do not know what help him
8 means.

9 JUDGE BOUTET: Yeah, but this is [overlapping speakers]

16:06:45 10 PRESIDING JUDGE: I think if we, if we follow debate in
11 this, you know, the witness, you know, will be triggered off,
12 you know, and that will be it. So.

13 MR TAKU: That's why I [indiscernible] help him, what
does
14 it mean? That's why one.

16:07:16 15 Your Honours, I wonder if I can ask the question, Your
16 Honours.

17 JUDGE BOUTET: Well, if that's the question you pose to
the
18 witness I don't see what help and assistance you giving to the
19 Court. I'm not saying you may not ask a related question but
16:07:23 20 that question has already been answered. So, I mean, she said
21 why she came here.

22 MR TAKU: But your question is what, what assistance.
What
23 does she mean by assistance. We want to know -- let her
explain,
24 she can explain, Your Honours.

16:07:36 25 JUDGE BOUTET: Then ask that question.

26 MR TAKU:

27 Q. Yes. Madam, they ask you that you are loyal to Mr
Kallon,

you

28 that's why you have come here to testify to assist him, and
29 said yes. What do you mean by assisting him? Explain to the

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to
and

16:08:15
you

and

16:09:16
end

the

you a

1 Court?
2 A. Well, Mr Kallon never treated us badly, so whosoever has
3 treated you well, if he is having a problem, and you are asked
4 come and testify, I think it is what's right for you to come
5 testify. He normally treated us as civilians well. In fact,
6 have over 200 people who are ready to come and testify on his
7 behalf.

8 MR TAKU: Thank you, Your Honours. No further question
9 that will be all for this witness.

10 PRESIDING JUDGE: Yes, Madam witness, we've come to the
11 of your testimony. We thank you for coming and for assisting
12 Tribunal with your testimony. You are released and we wish
13 safe journey back to your place of abode. Can she be escorted
14 out of Court, please. Sit down, sit down there first.

16:09:47 15 [The witness withdrew]
16 PRESIDING JUDGE: Can we bring in the next witness,
please.
17 This will be the tenth witness?
18 MR OGETO: Yes, My Lords. And that's witness DMK-162.
19 PRESIDING JUDGE: DMK-162?
16:11:34 20 MR OGETO: Yes, My Lord.
21 PRESIDING JUDGE: He will be testifying in what
language,
22 please?
23 MR OGETO: In Krio, My Lords.
24 PRESIDING JUDGE: Yes, can you swear him in, please.
16:14:27 25 WITNESS: DMK-162 [Sworn]
26 EXAMINED BY MR OGETO:
27 PRESIDING JUDGE: He is sworn on the Koran? On the
Koran?
28 MS KAMUZORA: Yes, My Lord, he is sworn on the Koran.
29 PRESIDING JUDGE: Yes, Mr Ogeto.

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1 MR OGETO: My Lords, with the permission of the Court,
if
2 the witness can be given a piece of paper to write certain
3 background information in order to avoid going into a closed

4 session.

16:15:27 5 PRESIDING JUDGE: Yes, please. Can Court Management
take

6 care of that, please. Yes, can you give him -- what
information

7 do you want him to --

8 MR OGETO:

9 Q. What are you writing, Mr Witness? I have not started,
16:16:22 10 please. I have not started.

11 PRESIDING JUDGE: Yes, because I saw him writing already
12 and he has not received any directive from his counsel.

13 MR OGETO: Can you give him another piece of paper,
please.

14 I haven't started. Please give him another piece of paper.

16:16:34 15 Let's start afresh, please.

16 Q. Mr Witness, can you write down your full names at the
top

17 of that paper. Next, can you write where you were born. Then

18 next write your age. Next, please write your current place of

19 abode -- where you live currently. Then finally write your

16:18:10 20 occupation -- your current occupation. That's all, I think.

21 Thank you, Mr Witness.

22 MR OGETO: My Lords, if Mr Kallon can use the bathroom?

23 PRESIDING JUDGE: Yes, he may, please. You'll be
seeking

24 to tender this document, would you?

16:19:34 25 MR OGETO: Yes, My Lord.

26 PRESIDING JUDGE: Just looking at the paper -- well, I

27 don't know. Maybe it's a civilian witness, but if you were in

28 the forces, I don't know. Would it not be necessary to have
some

so 29 complementary information about whether he was a commander and

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1 on and so forth?

2 MR OGETO: Yes, My Lords, but I thought I could leave

3 that --

4 PRESIDING JUDGE: No, all right. It just depends on --

16:20:47 5 MR OGETO: Yes, I understand, My Lords.

6 PRESIDING JUDGE: This piece of paper containing

7 information relating to the age, the place -- the full names,

the

8 place of birth, the age and the place of business and

occupation

9 of this witness is admitted in evidence and marked

confidentially

16:22:20 10 as Exhibit 356.

11 MS KAMUZORA: Yes, My Lord.

12 [Exhibit No. 356 was admitted]

13 PRESIDING JUDGE: Can you have it, please? Yes, Mr

Ogeto,

14 you may proceed, please.

16:22:41 15 MR OGETO: Thank you, My Lords.

16 Q. Mr Witness, good afternoon. Can you please try and move

17 closer to the microphone?

18 A. Yeah, good afternoon, sir.

19 Q. I'm going to ask you a couple of questions, after which
my

16:23:09 20 colleagues, both Defence and Prosecution, may also have some

21 questions for you. Please speak slowly. Everything that I'll
be

22 discussing with you is being interpreted and recorded; you

23 understand?

24 A. Yes, sir, I understand what you are saying, sir.

16:23:36 25 Q. And where you do not understand any question that I'm

26 asking you, please do not hesitate to seek clarification from
me;

27 understand?

28 A. No problem. I've got your comment.

29 Q. When did you join the RUF?

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1 A. April 1991.

2 Q. Did you undergo any training?

3 A. Yes, we undergone some training.

4 Q. Where did you undergo your training?

16:24:26 5 A. Well, my first training was at Gissiwo, that was, and
the

6 second was in Zimmi and the last was at Zogoda.

7 Q. Okay. Let's take it one-by-one. Gissiwo, My Lords, is

8 G-I-S-S-I-W-O?

9 A. Yes, that's correct.

16:25:05 10 Q. Where is Gissiwo?

11 A. Pujehun District.

12 Q. What kind of training did you undergo at Gissiwo?

13 A. At first we went through guerrilla training and,

secondly,

14 went through strike force training, and the last was radio

16:25:41 15 communication training.

16 Q. What do you mean by "strike force training"?

17 A. That was a special security guards.

18 Q. And when is this you underwent this training at Gissiwo?

19 A. The same year; it was in April 1991.

16:26:19 20 Q. How long was that training?

21 A. Well, I was in the training base for a month and two

weeks.

22 Q. You mentioned another place -- a second place where you

23 underwent some training. Can you remind me which place it

was?

24 A. Yes, that was Zimmi Magbeh. Magbeh.

16:26:56 25 Q. Where is that?

26 A. It is in the same Pujehun District.

27 Q. When did you undergo this training at Zimmi?

28 A. The same 1991 was the time I went through all this

29 training. Immediately after graduation from the guerrilla

1 training.

2 Q. What kind of training did you undergo at Zimmi?

3 A. Strike force training.

4 Q. The third place you mentioned I think was Zogoda; am I
16:27:47 5 correct?

under a

6 A. Yes, you are correct. I was also trained at Zogoda
7 signal course.

that

8 Q. So at Zogoda you were trained as a radio operator; is
9 correct?

16:28:15 10 A. Yes, I was trained there as a radio operator.

11 Q. And that will be in '91 as well?

12 A. No, it was during 1994.

13 Q. Do you recall where you were in late 1994, early 1995?

14 A. Yeah, 1994 I was at Zogoda, and '94 to '95 I left Zogoda
16:29:07 15 for the Western Jungle.

16 Q. What was your assignment at the Western Jungle?

17 A. I was there as an operator; radio operator.

18 Q. Under who did you work at the Western Jungle as a radio
19 operator?

16:29:35 20 A. I was working with CO Mohamed Tarawallie, alias Zino.

in

21 Q. Did you work under any other person as a radio operator

22 the Western Jungle?
23 A. Oh, yes. I worked with a lot of commanders.
24 Q. For how long was Mohamed Tarawallie at the Western
Jungle
16:30:20 25 during your presence there?
26 A. Mohamed Tarawallie was with us at the Western Jungle up
to
27 1995 when he left us for Zogoda.
28 Q. So who did you work under after the departure of Mohamed
29 Tarawallie?

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1 A. I worked with Superman.
2 Q. What were your duties as a radio operator at that time?
3 A. My duties were to receive messages and transmit messages
4 and also monitor official messages; those were my duties.
16:31:16 5 Q. How many other operators were with you at the Western
6 Jungle under Superman?
7 A. We were up to five.
8 Q. Now, during that period, do you recall how many soldiers
or
9 how many fighters -- RUF fighters were under Superman at the
16:31:47 10 Western Jungle?
11 A. Oh, yes. There were over 1,000.

the 12 Q. How would you classify the Western Jungle in terms of
13 RUF bases in Sierra Leone at the time?
RUF 14 A. Oh, the Western Area was one of the strongest based for
16:32:25 15 in general.
16 Q. Where were you during the coup of May 1997?
Western 17 A. I was still with Superman at Zogoda -- oh, sorry.
18 Area.
Superman 19 Q. Did you continue being at the Western Jungle with
16:32:57 20 after the coup?
21 A. Oh, no, no. We -- we departed the Western Jungle.
22 Q. Where did you depart for?
23 A. We came to Freetown to join the AFRC.
24 Q. You came to Freetown with who?
16:33:26 25 A. Together with Superman and other officials.
26 Q. How many other fighters came with Superman to Freetown?
AFRC. 27 A. Over 400 fighters joined us and came over to join the
there? 28 Q. Where were you based in Freetown, upon your arrival
29 PRESIDING JUDGE: When you are saying over 400 fighters,

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1 you mean over 400 -- you mean over 400 RUF fighters?

2 THE WITNESS: Oh, yes. Over 400 RUF fighters. That was
3 what I meant.

4 PRESIDING JUDGE: Came to Freetown to join the AFRC?

16:34:30 5 THE WITNESS: Yes, you are correct, sir.

6 PRESIDING JUDGE: Yes, Mr Ogeto.

7 MR OGETO: Thank you, My Lords.

8 Q. Upon your arrival in Freetown, do you recall where you
were
9 based?

16:34:41 10 A. Yeah, initially when we came to Freetown we were based
at

11 Hastings, until we were attacked by ECOMOG.

12 Q. For how long were you at Hastings before you were
attacked
13 by ECOMOG?

14 A. About a week.

16:35:13 15 Q. Did you move out of Hastings after this attack?

16 A. Yes, because we were unable to stand the attack so we
moved
17 to Waterloo.

18 Q. For how long were you at Waterloo?

19 A. Just between two to three days. We returned and we took
16:35:51 20 Hastings from ECOMOG.

21 Q. So did you continue staying in Hastings after you retook
it
22 from ECOMOG?

23 A. Not all of us stayed at Hastings. The group was
divided.

24 I, for one, was with Komba Gbundema at Grafton.

16:36:20 25 Q. How many of you were with Komba Gbundema at Grafton?
26 A. We were up to hundred.
27 Q. Who was Komba Gbundema reporting to at that time?
28 A. By then, Komba Gbundema was reporting directly to
Superman.
29 Q. What were your duties at Grafton, if any?

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1 A. Yeah, as for me, my duties were receiving messages,
2 transmit messages, and also monitor military operation
messages.

3 Q. From who were you receiving messages?

4 A. I used to receive messages from Superman, Komba
Gbundema,

16:37:44 5 and from Komba Gbundema to Superman.

6 Q. Let's be clear. Let's deal with one at a time. From
who
7 were you receiving messages?

8 A. I used to receive messages from Superman.

9 Q. And these messages were meant for who?

16:38:15 10 A. These messages were specifically for my commander, who
was

11 Komba Gbundema.

12 Q. And what kind of messages were you sending and to who?

13 A. These are military messages I always receive and I pass
14 them over.

16:38:52 15 Q. Who gave you messages to send?

16 A. Yeah, the commander with whom I was, he normally passed
17 messages to me to send to Superman.

18 Q. At that time did you know the accused person Morris
Kallon?

19 A. Yes, I used to know Morris Kallon.

16:39:28 20 Q. How did you know him?

21 A. I knew him as a good man and I also knew him since I was
22 trying to go through my signal course.

23 Q. Did you see him in Freetown when you were at Grafton?

24 A. Not Grafton that I saw Morris Kallon. I saw him the
time

16:40:12 25 we were based at OAU village but in fact it was only once that
I
26 saw him.

27 Q. Do you recall if Komba Gbundema ever gave you messages
to
28 send to Morris Kallon at that time?

29 A. I never received a message from Komba Gbundema to
transmit

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1 to Morris Kallon in those days. Not at all.

through 2 Q. Do you recall if Morris Kallon ever sent a message
3 your radio meant for Komba Gbundema?

4 A. No, no, no. I never received any message from Morris
16:41:07 5 Kallon to Komba Gbundema. Not at all.

6 Q. Now, during your stay in Freetown at that time, do you
7 know
8 if Morris Kallon had any soldiers under him in Freetown?

9 A. No, no, no, no. In fact, Morris Kallon was not based in
10 any
11 Freetown. I said I saw him only once. I never saw him with
12 soldier.

13 PRESIDING JUDGE: Answer the question which has been
14 asked
15 you.

16 MR OGETO:

17 Q. So, Mr Witness, do you know if Morris Kallon had any
18 soldiers under him in Freetown during the time you were there?
19 16:41:56 20

21 A. I never saw him.

22 Q. So what did you say about his whereabouts at that time?
23 Can you explain?

24 A. Where he was located at that time? Well, it's difficult
16:42:28 25 for me to confirm because we were not together. I was in the
26 Western Area. From there I came to Freetown. So it was
27 difficult for me to locate his whereabouts.

28 Q. For how long were you in Freetown?

29 A. I was in Freetown up to seven months.

30 16:42:55 31 Q. How did you retreat from Freetown after the intervention
32 in
33 February '98?

34 A. I passed through the peninsula.

Waterloo

28 Q. And then you moved to where?
29 A. Then I crossed the river. I found myself between

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1 and Masiaka, then I headed for Masiaka.

2 Q. Were you alone?

3 A. No, no, no, no, no. I travelled together with my family
4 and colleagues.

16:43:47 5 Q. Can you recall some of the colleagues that you travelled
6 with?

we 7 A. Yes. By then Reverend Komba Gbundema was with me when
8 pulled out and also his bodyguards, CO Coco were all with us
9 during that time. A lot of people. We were many.

16:44:15 10 Q. Did you say Reverend Komba Gbundema?

11 A. No, no, no. I did not call Reverend Komba Gbundema,
12 My Lord.

13 PRESIDING JUDGE: Did you call him bretheren? Because I
14 heard something about that. Just like what learned counsel
15 heard. Anyway, what did you call him? You just called him

16:44:39
Komba

16 Gbundema?

Gbundema. 17 THE WITNESS: By then he was major. Major Komba

18 MR OGETO:

19 Q. And this was your commander?

16:45:10 20 A. Yes, he was my commander throughout.

21 Q. For how long were you at Masiaka?

22 A. I didn't spend a night in Masiaka. No sooner I arrived

23 than I passed.

24 Q. From Masiaka, where did you proceed to?

16:45:34 25 A. I went to Makeni.

26 Q. For how long were you in Makeni?

27 A. I was in Makeni for a week before I left.

Makeni? 28 Q. Do you know where JPK was at the time you were in

29 A. Yes, we were together in Makeni.

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1 Q. Did you meet him in Makeni or did you --

2 A. Yes.

3 Q. He met you in Makeni?

4 A. No. No, no, no. I met him in Makeni.

16:46:35 5 Q. Now, during the time you were in Makeni, can you recall

6 some of the senior RUF officers who were present?

7 A. Oh, yes, yes, yes.

8 Q. Can you please name them, if you are able to recall
their

9 names?

16:46:57 10 A. Yes. I can recall a few that I can call right now.

11 Q. Proceed, please, and name them.

12 A. Number one, Komba Gbundema was there. Number two, Abdul
13 Kanu was there. And number three, Denis Lansana was there.
14 Number four, CO Coco was there. So these are the four names
that

16:47:33 15 I can recall.

16 Q. Who was Abdul Kanu?

17 A. Abdul Kanu is one of the bodyguards to the leader.

18 Q. And by "the leader," you mean Foday Sankoh; am I right?

19 A. Yes, sir, Foday Sankoh.

16:47:59 20 Q. What about CO Coco? Who was he?

21 A. CO Coco was a friend to Abdul Kanu. In fact, they were
22 doing everything in common.

23 PRESIDING JUDGE: So what was he, CO Coco? Abdul Kanu
was

24 the leader's bodyguard. CO Coco was what?

16:48:28 25 THE WITNESS: He was ordinary friend of Abdul Kanu that
26 I've mentioned.

27 PRESIDING JUDGE: Was he an RUF fighter?

28 THE WITNESS: Yes, he was an RUF fighter.

29 MR OGETO:

1 Q. What was his rank at the time?

2 A. He was major.

3 Q. During the time you were in Makeni, do you know where
4 Superman was?

16:49:02 5 PRESIDING JUDGE: Who was a major? Was it Abdul Kanu?

6 THE WITNESS: Yes, yes. Abdul Kanu -- Abdul Kanu was a
7 major.

8 MR OGETO:

9 Q. What about CO Coco?

16:49:25 10 A. CO Coco had the same rank.

11 Q. By "same rank," you mean major?

12 A. Yes, sir, major. He had the major rank.

13 Q. During the time you were in Makeni, do you recall where
14 Superman was?

16:49:49 15 A. When we arrived in Makeni, by then, Superman had already
16 left for Kono.

17 Q. Did you see Morris Kallon, the accused person in this
case,
18 in Makeni during the period you were there?

19 A. During the time when I was there, I never came across
16:50:28 20 Morris Kallon in Makeni.

21 Q. Did you hear of him in Makeni during the time you were
22 there?

23 A. Yes, I heard about him.

24 Q. What did you hear about him?

16:50:48 25 A. I received series of information from my colleagues who
26 were going up to Magburaka. They said they met Kallon in
27 met Magburaka and that he was there. I myself went there and I
28 him there.

29 Q. Do you recall when you got to Kono?

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1 A. Oh, yes. The same 1998. That was the same time we went
2 to Kono.

3 PRESIDING JUDGE: I think we can recess here.

4 MR OGETO: Yes, My Lords.

16:51:49 5 PRESIDING JUDGE: Before you travel to Kono.

6 MR OGETO: Yes, My Lords.

7 PRESIDING JUDGE: The Chamber will recess for a few
8 minutes, please. We will rise.

9 [Break taken at 4.43 p.m.]

17:11:36 10 [RUF29APR08D-BP]

11 [Upon resuming at 5.10 p.m.]

12 PRESIDING JUDGE: Yes, we're resuming the session,
please.

13 MR OGETO: Thank you, My Lords.

14 Q. Mr Witness, you stated that you, from Makeni, went to
Kono;

17:22:22 15 is that correct?

16 A. Yes, sir, you are correct.

17 Q. Where was JPK when you got to Kono?

18 A. At the centre of Koidu Town, there he was.

19 Q. Did you have any assignment in Koidu Town when you got
17:23:01 20 there from Makeni?

21 A. Yes. I was working with Superman.

22 Q. In what capacity were you working with Superman?

23 A. I was working with him as a radio operator.

24 Q. Who assigned you to work with Superman?

17:23:28 25 A. He himself assigned me because by then, I was with him
from

26 Western Area. So he said I should continue working with him,
so

27 I was with him.

28 Q. For how long were you in Koidu Town?

29 A. I was there about a week.

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1 Q. During that one week, where were you working from? Did
you

2 have an office?

3 A. I didn't have an office directly. I was working at
4 Superman's residence. It was at his residence that we were
17:24:30 5 working.

were
6 Q. Now, within Koidu Town during that one week that you
7 there, do you recall how many radios there were for the RUF?

8 A. It was only one radio station that was available the
time
9 that I was there. It was only a single radio station that was
17:25:04 10 available.

11 Q. Under whose control was this radio station?

12 A. It was under Superman's control.

13 Q. Who was the commander of Kono during that one week that
you
14 were in Koidu Town?

17:25:31 15 A. Superman was the commander. He was the general
commander
16 of the area.

17 Q. Did you know how Superman became the commander of the
area?

18 A. Oh, yes. Superman -- it was Johnny Paul Koroma who
19 appointed him to take over the entire Koidu Town as overall
boss.

17:26:21 20 Q. Was there a difference between the command for Koidu
Town
21 and that for Kono as a whole?

22 A. Please repeat once more.

23 Q. During that one week that you were in Koidu Town, was
there
24 a difference between the RUF command for Koidu Town and that
for

17:27:00 25 the entire Kono?

26 A. Yes, there were differences. There were differences
27 anyway.

28 Q. Who was the commander of Kono as a whole?

29 A. It was Superman.

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one 1 Q. Where did you go to after your stay in Koidu Town for
2 week?

3 A. After that, Superman sent me and Komba Gbundema for
4 Yomandu.

17:27:56 5 Q. Where is Yomandu?

from 6 A. On the route leading to Kubula. It's about 12 miles
7 Koidu Town.

8 Q. For how long were you in Yomandu?

9 A. I was in the Yomandu for over -- between four and five
17:28:29 10 months anyway.

11 Q. For how long was Komba Gbundema with you at Yomandu?

after 12 A. Komba Gbundema was with me after August. Immediately
13 August, then he left me there.

you 14 Q. So what you are saying is that Komba Gbundema was with

17:29:09 15 up to August when he left you there; is that correct?
16 A. Yes, My Lord, you are correct.
17 PRESIDING JUDGE: August of what year?
18 THE WITNESS: 1998.
19 MR OGETO:
17:29:34 20 Q. Who were you reporting to during this period when you
were
21 with Komba Gbundema?
22 A. I was reporting directly to Superman.
23 Q. And do you know who Komba Gbundema was reporting to?
24 A. Yes, Komba Gbundema was also reporting to Superman.
17:30:13 25 Q. Do you know if Komba Gbundema also reported to Morris
26 Kallon, the accused person in this case?
27 A. No, I never had that experience. I never experienced
that.
28 Q. You never experienced what, Mr Witness?
29 A. I never experienced Kallon, the accused, transmitting

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Komba 1 messages to Superman, neither sending messages directly to
2 Gbundema.
3 Q. Please, Mr Witness, listen carefully to my questions.
My

4 question was: Do you recall if Komba Gbundema also reported
to
17:31:16 5 the accused person Morris Kallon? It has nothing to do with
6 messages.
7 A. No, he was not reporting directly to Morris Kallon.
8 Q. What do you mean, "He was not reporting directly to
Morris
9 Kallon"?

17:31:38 10 A. He was not passing information to Morris Kallon. I have
11 never experienced that, and I did not have it in my message
book.
12 Q. Did you report to Morris Kallon yourself during that
period
13 when you were in Yomandu?
14 A. No, I never reported to Kallon while I was in Yomandu.

17:32:19 15 Q. Was Komba Gbundema replaced after he left Yomandu in
16 August?
17 A. Yes, he was replaced.
18 Q. Who was his replacement?
19 A. The time Superman was leaving, the commander he left on
the
17:32:59 20 ground changed Komba Gbundema and brought in another
commander.
21 INTERPRETER: Your Honours, can the witness please call
the
22 name of the commander.
23 MR OGETO:
24 Q. Can you please repeat your answer, Mr Witness. Who was
the
17:33:16 25 replacement for Komba Gbundema?
26 A. It was Short Bai Bureh was brought in to replace Komba
27 Gbundema.
28 Q. And who assigned Short Bai Bureh to Yomandu?

29 A. It was Colonel Rambo, alias Van Dam.

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1 Q. Do you know where Superman was at that time?

2 A. By then he has left for Kubula.

Superman

3 Q. And what was Rambo's assignment at that time when

4 left for Kubula?

17:34:16 5 A. Rambo's assignment, he was serving as 2nd Brigade
6 Commander.

7 Q. So who was the commander of Kono at that time?

8 A. It was CO Rambo who was the commander. He was the
9 commander for everybody in that area by then.

17:35:02 10 Q. Who did you report to after Rambo came to replace
Superman?

we

11 A. We reported straight to Rambo. Whatever report we had,
12 pass it over to Rambo.

13 Q. Do you know who Short Bai Bureh reported to at that
time?

Colonel

14 A. Yes, Short Bai Bureh was also reporting directly to
15 Rambo.

17:35:40

16 Q. During this period did you ever report to the accused

17 person, Morris Kallon?

18 A. No, I never reported to Morris Kallon.

19 Q. Do you recall the rank that Morris Kallon, the accused
17:36:12 20 person in this case, held at that time?

21 A. You mean 1998?

22 Q. Yes, Mr Witness.

23 A. Yeah, 1998 Kallon was a major by then. In '98 he was a
24 major.

17:36:45 25 Q. Do you recall where you were in 1999?

26 A. Yes, I was still in Kono.

27 Q. Did you ever leave Kono?

28 A. Yes, I left Kono. I left Kono.

29 Q. When did you leave Kono?

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1 A. After disarmament.

2 Q. Where in Kono were you in 1999?

3 A. I was at Gieya.

4 Q. What were your duties at Gieya?

17:37:45 5 A. I was at Gieya as an operator. I'll send messages and
6 receive messages, monitor military operation messages and
officer

7 messages.

8 Q. Do you recall the local area commander in Gieya at that
9 time?

17:38:16 10 A. You mean the LUC? I cannot recall anyway if we had a
local
11 unit commander. I can't recall.

12 Q. Who was your commander at Gieya at that time?

13 A. By then when I came to Gieya --

14 THE INTERPRETER: Your Honours, can the witness please
go
17:38:49 15 over the last segment of his testimony?

16 MR OGETO:

17 Q. Can you please repeat your answer, Mr Witness: Who was
18 your commander at Gieya at that time?

19 A. It was Lansana Conteh, alias Big Rebel.

17:39:16 20 MR OGETO: My Lords, with your permission, if the
witness
21 can be shown a document which I have already disclosed to the
22 parties and the Chamber. I have enough copies with me here.
My
23 Lords, do you have sufficient copies?

24 PRESIDING JUDGE: Yes. Yes.

17:40:29 25 MR OGETO:

26 Q. Mr Witness, do you have that document with a title --

27 A. Yes, I have one with me.

28 Q. It's indicated to be from the leader to all commander
29 RUF/SL; is that correct?

1 A. Yes, you are correct.

2 Q. And it's dated 7 August 1999; is that correct as well?

3 A. Yes, sir, you are correct.

4 Q. Where were you on this date?

17:41:23 5 A. I was in Gieya by then.

6 Q. Are you able to identify the writing on this document?

7 A. Yes, I can. I can identify it.

8 Q. Please proceed to identify it to the Court.

9 A. Number one, this is my handwriting, and I was the one
who

17:42:08 10 received this message.

11 Q. So when you talk about "this message" -- because there
are

12 two messages on this document: There's one dated 7 August
1999;

13 then there's another one dated 6 December '99. Which message
are

14 you referring to?

17:42:39 15 A. I'm referring to the entire messages, the two messages.

16 Q. In what context did you receive these two messages?

17 A. I monitored this message, and the message was addressed
18 directly to all commanders within the RUF. So when I saw the
19 ending, I thought it's very important. Then I monitored and
took

17:43:14 20 it down.

21 Q. So what did you do with the messages after you took them

22 down?

23 A. After that, I called my immediate commander, who was
24 Lansana Conteh, Big Rebel. Then I pass on this message to
him.

17:43:49 25 MR OGETO: My Lords, I apply that the Court allows me to
26 tender this document as the next exhibit.

27 PRESIDING JUDGE: And who was sending this message? Who
28 sent this message?

29 THE WITNESS: This message was sent by the RUF leader,

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1 Foday Sankoh. He was the one who sent this message.

2 PRESIDING JUDGE: The two messages?

3 THE WITNESS: Yes, sir. You are correct, sir.

4 PRESIDING JUDGE: Did you -- you took down the two
17:44:43 5 messages?

6 THE WITNESS: Yes, you are correct sir.

7 PRESIDING JUDGE: And after taking them down you --

8 THE WITNESS: Yes, you are correct, sir.

9 PRESIDING JUDGE: -- handed them over to Lansana Conteh,
17:44:53 10 the Big Rebel?

11 THE WITNESS: Oh, yes. Yes.

12 PRESIDING JUDGE: You passed them on to Big Rebel -- is

13 that what you said -- the two messages?

14 THE WITNESS: Yes, sir. Both messages, I showed them to
17:45:08 15 the Commander Lansana. I showed the two messages to him.

16 JUDGE BOUTET: Was this Lansana still your commander in
17 December of '99?

18 THE WITNESS: Oh, yes. I was with him up to
disarmament.

19 JUDGE BOUTET: But where are these messages coming from?
17:45:36 20 They seem to be -- they are from different dates. That's why
I'm

21 a bit -- they are on the same page, and I don't know whether
it's

22 because of photocopy. How -- where do they come from; do you
23 know?

24 THE WITNESS: Yes. In fact, if you go through the
17:45:53 25 messages, you will discover that it was purely during the time
26 when the RUF leader went for the Lome Peace Accord, so he was
27 there and he was trying to transmit messages. He was also
trying
28 to send messages to Freetown, so during that time I monitor
the
29 messages, took them down, and showed my commander.

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1 JUDGE BOUTET: Yeah, but is this part of a logbook?
What

2 is this? Because, I mean, these are two messages at different
3 dates; one in August and one in December. Were they copied in
4 whatever place in this particular format that way by you?

17:46:42 5 THE WITNESS: You see, these messages, sometimes when we
6 receive them, we have a logbook. We will enter the messages
in

7 the logbook. Then the duplicate will be left with you, the
8 operator, so that you can always refer to it. But it is
included

9 in the message book.

17:47:18 10 PRESIDING JUDGE: Yes, any objections to the admission
of

11 this document, Mr Harrison? You have tendered it, have you?

12 MR OGETO: Yes, My Lords.

13 PRESIDING JUDGE: You did indicate that you were
tendering

14 it.

17:47:32 15 MR OGETO: Yes, My Lords, I did.

16 PRESIDING JUDGE: The two messages?

17 MR OGETO: Yes, My Lords.

18 MR HARRISON: Yes, Prosecution is objecting. There's
three

19 points the Prosecution wants to make.

17:47:40 20 The first point is this is another example -- or this is
an

21 example of where the Defence must show good cause, because
this

22 is the first time -- today is the first time this document has
23 been shown or made its existence known to the Prosecution.
And

24 the order from this Court was that if a deadline had not been

17:48:02 25 met, which was back in March of 2007, then the Defence had to
26 show good cause for any subsequent exhibits to become
admissible.

27 The second point is that the Court also made an order
that
28 any exhibit that the Defence proposed to attempt to tender had
to
29 be disclosed two days beforehand: This was disclosed this

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1 morning.

2 And the third point is that the Prosecution says that
3 basically for the questions put by Mr Justice Boutet, it's
4 incumbent upon the Defence to lead further evidence, if not
17:48:42 5 present the original, because we have before you what appears
to

6 be two documents -- two notes that are four months separated
in
7 time, and there's no explanation as to how that could have
taken

8 place. And it just seems highly unlikely that such notes
could
9 have been recorded and there would have been absolutely no

17:49:09 10 intervening note between one, which takes place on 7 August,
and

11 the next one, which takes place on 6 December.

12 And on that basis the Prosecution's objection, slightly
13 different from the first two, where we're saying it's simply
not
14 admissible, period, the spinal point is one where it is not
17:49:29 15 admissible at this point in time; the Defence must tender
further
16 evidence, including the original if they should have it. If
not
17 to be tendered, at least to be inspected.
18 MR OGETO: My Lords, regarding the first --
19 PRESIDING JUDGE: Just a minute, please.
17:49:55 20 MR OGETO: Sorry, My Lords.
21 PRESIDING JUDGE: Yes -- yes, Mr Ogeto.
22 MR OGETO: My Lords, regarding the first and second
points
23 by my learned colleague, now, this document, together with
24 another document, were received from the witness only
yesterday.
17:50:25 25 We did not know that this witness had in his possession this
26 document. I met this witness for the first time in the last
two
27 days, and I did not know at all that he was in possession of
28 these documents until he revealed himself. So there is no way
I
29 could have disclosed these documents to the Prosecution
earlier

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1 than this morning. Regarding the third point --

2 PRESIDING JUDGE: You say you got the documents only
3 yesterday?

4 MR OGETO: Only yesterday, My Lords, given to me by the
17:51:09 5 witness during my interview of the witness.

6 JUDGE BOUTET: When was the witness first interviewed?

7 MR OGETO: Some other people in the Defence team
8 interviewed this witness some time back. I do not recall when
it
9 was the first time that he was interviewed.

17:51:33 10 JUDGE BOUTET: It may have been your first interview
with
11 him, but it was not the first interview he was having with
your
12 team.

13 MR OGETO: Certainly not, My Lords, yes.

14 PRESIDING JUDGE: Yes.

17:51:47 15 MR OGETO: The third point, My Lords, goes to the
probative

16 value of this document and not to admissibility.

17 PRESIDING JUDGE: Was there production of the original
18 also?

19 MR OGETO: As a matter of fact, we do have the original
of

17:52:03 20 that document and if the Prosecution wants to have a look at
that

21 original, he is at liberty to do so. But having said that,
the

22 rest of the submissions by my colleague on the third point
really

23 go to the question of probative value as opposed to
24 admissibility. They can make submissions regarding the
probative
17:52:29 25 value of this document later on in their final submissions,
but
26 that does not affect admissibility at this point in time.
That
27 will be my response to the Prosecution's submissions.
28 JUDGE THOMPSON: Mr Harrison, did we -- in our decision
you
29 said there was an order which we made that an exhibit that --

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1 providing for the two days' limit. What was the legal effect
we
2 said in case that rule was breached?
3 MR HARRISON: There was no proviso. It was simply an
order
4 arising from one of the status conferences. I'm just trying
to
17:53:21 5 find it now, but the order --
6 JUDGE THOMPSON: Because I just wanted to know what we
7 said, if anything, as to the legal effect of nondisclosure
within
8 the time limit prescribed.
9 JUDGE BOUTET: I don't think we -- Justice Thompson, I

17:53:35 10 don't think we did say any effect. We only said that after
this,
11 good cause must be shown as to [overlapping speakers] --
12 JUDGE THOMPSON: Yes, that's what I'm trying to -- I'm
just
13 trying to find out whether we have actually made a
pronouncement
14 that it necessarily meant that the document was automatically
17:53:51 15 inadmissible.
16 MR HARRISON: No, and if I gave that impression --
17 PRESIDING JUDGE: Or that it can be excluded.
18 JUDGE THOMPSON: Or that maybe -- maybe the question of
19 failure to disclose within the prescribed two days may also be
a
17:54:02 20 factor to be considered when we come to evaluate the probative
entire
21 value of the document. I'm just trying to put this in the
22 context of our general philosophy of flexible admissibility of
23 evidence and that where certain very pertinent points are
taken,
24 even though they can, in fact, be points that should affect
17:54:30 25 admissibility, because of Rule 89, which says once the
evidence
26 is relevant it could be admissible, then whether all these
other
27 alleged irregularities, meritorious as they are, may not be
28 factors which we'll consider when we come to assess the
probative
29 value. I'm just trying to seek some enlightenment as to --

1 MR HARRISON: Yes, and --

2 PRESIDING JUDGE: And if I may -- if I may -- you may
3 respond at the same time -- Mr Ogeto says that this document
4 disclosed to him during his interview with this witness

17:55:11 5 yesterday. He admits, of course, following some questioning
6 from Honourable Justice Boutet, that that may not have been the
7 first time he was interviewed.

8 Would you -- what would you say? Would you say that
9 just cause has not been shown for nondisclosure in time in order to
10 17:55:42 meet up with the objections which you are making, considering
11 and that this matter is -- the evidence is being presented today
12 as it was presented to the -- to learned counsel only as lately
13 shown, yesterday? Would you think that just cause has not been
14 stance, you know, for his presenting it today notwithstanding our
15 17:56:18 you know, on this?

16 MR HARRISON: I think to be helpful to both your
17 question and to that of Mr Justice Thompson --

18 PRESIDING JUDGE: Yes.

19 MR HARRISON: -- the Prosecution does want to make some

17:56:28 20 concessions. Answering your question first: The Prosecution
21 feels it incumbent upon it to advise the Court that in the
past,
22 there has been, included within the notion of just cause, the
23 test of due diligence. And the test of due diligence may
suggest
24 in these circumstances that there has not been due diligence;
17:56:51 25 that attaining, the day before, a person testifies
information, a
26 document, that you are proposing to tender, would not,
27 Prosecution suggests, normally be an indication of a party
28 exercising due diligence.
29 And so with respect to the question of good cause, we
say:

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1 No. It was not fulfilled and cannot be fulfilled in these
2 circumstances.
3 With respect to the questions posed by Mr Justice
Thompson,
4 the Prosecution concedes that its understanding of those prior
17:57:27 5 orders -- and if I can refer you to the first one. That is an
6 order of 30 October 2006, and it's a generic order. It's
titled,
7 "Scheduling Order Concerning The Preparation And The
Commencement

8 Of The Defence Case," and it's on page 3 of that order. And
9 unfortunately, the number is just slightly out -- the
numbering

17:58:00 10 of the paragraphs, but it's seven lines up from the bottom.

11 And what it says is, "Should the Defence seek to add any
12 witness or to modify its list after 16 February, it may be
13 permitted to do so upon showing good cause." Then with
respect

14 to exhibits, it says essentially the same thing on the
following

17:58:30 15 page, "Should the Defence seek to add any exhibit to this list
16 after 16 February 2007, it may be permitted to do so only upon
17 good cause being shown."

18 And that was subsequently amended, the timing of it,
19 because there was an application for an extension of time by
all

17:58:53 20 parties to file their Defence witness lists and their exhibit
21 lists, and that was granted, and I think the dates actually
got
22 pushed back until March.

23 The other order that I was looking for I haven't been
able
24 to locate just now, but the Prosecution concedes that --

17:59:10 25 PRESIDING JUDGE: I think we're clearly situated on that
26 scheduling order which [indiscernible] what you are saying
about

27 good cause for additional witnesses and good cause for
exhibits
28 as well.

29 MR HARRISON: But the second point that Mr Justice
Thompson

1 was asking about --

2 PRESIDING JUDGE: Yes.

3 Prosecution

MR HARRISON: -- was the second order that the

4 had

referred to, and that was a simple order saying that a party

17:59:30 5 or

to disclose, two days in advance, any document it sought to --

6 it was going to rely upon --

7 mean,

PRESIDING JUDGE: I don't think we have any doubts, I

8 take

that it exists. I mean, if you say -- if you say that, we

9 you for your word. We have no doubts.

17:59:44 10 Justice

MR HARRISON: But the concession was -- I think Mr

11 Thompson was asking -- is that this positive --

12 JUDGE THOMPSON: But what's the legal effect of

13 noncompliance with that order?

14 MR HARRISON: And I think the Prosecution has to concede

17:59:56 15 that that would not be dispositive; that would be a factor in

16 which the Court could consider whether or not the matter is

17 admissible or not.

18 JUDGE THOMPSON: Right.

19 PRESIDING JUDGE: Learned counsel, we -- Mr Jordash, do
you
18:05:33 20 have any -- any submissions on this -- this contention about
the
21 admissibility of this document which has been objected to by
22 Prosecution -- by Mr Harrison for the Prosecution?
23 MR JORDASH: I think I would simply say what I have said
24 before when similar objections have been taken, which is that
the
18:05:58 25 Prosecution did not have the same threshold to cross when
putting
26 in exhibits after the allotted time; they simply had to apply
and
27 did not have to establish good cause, and thereby -- I think
this
28 is right -- were able to tender exhibits after the time and
did
29 so successfully each and every time.

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1 PRESIDING JUDGE: But they complied.
2 MR JORDASH: But they didn't comply.
3 PRESIDING JUDGE: I know that in those circumstances,
you
4 know, they complied with at least -- because they are
complaining

18:06:33 5 here, you know, that there has been no compliance with the
6 scheduling orders, you know, that we've made and -- yes.
7 Anyway --

8 MR JORDASH: I would submit that they didn't in all
9 instances comply in fact.

18:06:45 10 PRESIDING JUDGE: You mean we -- we winked at you at
some
11 instances, did we?
12 MR JORDASH: I think you did.
13 PRESIDING JUDGE: Well, okay, we've heard you. Mr
Cammegh?
14 MR CAMMEGH: Nothing of great significance to say,
18:06:59 15 Your Honour, other than as a point of principle I would
suggest
16 it would be unfortunate if any team is disadvantaged by the
fact
17 that they fall into possession of a document in short order in
18 circumstances beyond their control.
19 PRESIDING JUDGE: It's a question of -- of due diligence
as
18:07:24 20 well.
21 MR CAMMEGH: I was about to say due diligence --
22 PRESIDING JUDGE: Due diligence [indiscernible].
23 MR CAMMEGH: I think Mr Ogeto said he only received the
24 document in the last 48 hours.

18:07:34 25 PRESIDING JUDGE: If -- if -- if this -- yes, that's
what I
26 raised, you know.
27 MR CAMMEGH: Yes.
28 PRESIDING JUDGE: If this document were part of a
logbook,
29 I don't think we would go too far, you know. But it comes out
of

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1 the blues and -- well, there we are, and we would invite the
2 parties to very scrupulously adhere to the directives given in
3 our scheduling orders -- in our Court decisions and orders in
4 whatever form, and maybe what the Kallon Defence team should
have

18:08:26 5 done was to call this witness maybe later in order to give the
6 two days' notice to the Prosecution, which deserved the notice
7 anyway that this exhibit was coming.

8 This said, however, we would say that in view of our
9 principle of extensive admissibility of documents, as we have
18:09:02 10 always taken the stand under Rule 89(C), we would admit this
11 document in evidence, and, of course, at a later stage we
would
12 know what probative value we're going to attach to it during
the
13 analysis of the entire evidence that has been presented in
this
14 case.

18:09:31 15 So the document is accordingly -- there are two -- there
16 are two messages. The two messages are accordingly admitted
in
17 evidence. The message dated 7 August 1999 -- 7 August '99 is

18 admitted in evidence and marked as Exhibit 357A.

19 MS KAMUZORA: Yes, My Lords.

18:10:33 20 [Exhibit No. 357A was admitted]

21 PRESIDING JUDGE: And the message dated 6 December 1999
is

22 admitted and marked as Exhibit 357B.

23 [Exhibit No. 357B was admitted]

24 PRESIDING JUDGE: We would -- it is six o'clock, and I
18:11:05 25 think that this is a convenient time for us to wrap up the
26 proceedings for today. Can Court Management take this
exhibit,
27 please.

28 Mr Ogeto, did you have -- did you have an observation to
29 make?

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1 MR OGETO: My Lords, I just wanted to say that if I'm
given
2 five minutes, I'll be able to wrap up my direct examination.

3 PRESIDING JUDGE: Well, let's get along. Let's get
along.

4 Five minutes -- go ahead if it's five minutes --

18:11:44 5 MR OGETO: Yes, five minutes.

6 PRESIDING JUDGE: Let's get along.

we
that
7 JUSTICE BOUTET: It's six o'clock. Normally -- normally
8 stop at 5.30. It's 6 o'clock. I don't think we should push
9 far.

18:11:55 10 MR OGETO: No, I can do it on Thursday, My Lords.

11 PRESIDING JUDGE: Maybe Mr Ogeto's five minutes are not
12 trusted. They are like somebody's whose name I don't like to
13 mention.

14 MR OGETO: Yes, My Lords. It must be Mr Jordash.

18:12:15 15 JUDGE BOUTET: Anyhow, if it is a majority I will have
to
16 go along, so I will go along.

17 PRESIDING JUDGE: There, there, there, there, I don't
think
18 I want to press their Lordships beyond -- Mr Ogeto, you will
wrap
19 up your examination on Thursday --

18:12:56 20 MR OGETO: As Your Lordships please.

21 PRESIDING JUDGE: -- at 9.30.

22 MR OGETO: Thank you, My Lords.

23 JUDGE BOUTET: And have another witness on standby by
then.

24 PRESIDING JUDGE: Of course, yes. If not two, depending
on
18:13:08 25 the length.

26 MR OGETO: There will be two or three.

27 PRESIDING JUDGE: That's right. When we hear two or
three,
28 we know that they are short.

29 MR OGETO: We will just hope that by that time we would

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1 have received the waivers.

2 PRESIDING JUDGE: You would have done what?

have

3 MR OGETO: Received the waivers from the UN so that we

4 a steady flow of witnesses.

18:13:27 5 PRESIDING JUDGE: Well, that's quite a nut to crack. We

6 will see how it --

7 JUDGE BOUTET: Do you have it now?

8 MR OGETO: No, we don't have it.

9 JUDGE BOUTET: Oh, you don't?

18:13:36 10 MR OGETO: I just hope --

minutes

11 PRESIDING JUDGE: Justice Thompson says your five

12 cannot be trusted. I'm quoting what the judge said.

13 MR OGETO: I'll stop there.

14 PRESIDING JUDGE: Right. We will rise and resume the

18:14:12 15 session at on Thursday at 9.30. The Court will rise, please.

p.m.,

16 [Whereupon the hearing adjourned at 6.04

17 to be reconvened on Thursday, the 1st day of

18 May 2008 at 9.30 a.m.]

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EXHIBITS:

	Exhibit No. 353	5
27	Exhibit No. 354	
57	Exhibit No. 355	
87	Exhibit No. 356	
113	Exhibit No. 357A	
113	Exhibit No. 357B	

WITNESSES FOR THE DEFENCE:

WITNESS: DMK-132

2

EXAMINED BY MR OGETO

4

CROSS-EXAMINED BY MR HARDAWAY

40

WITNESS: DMK-108

53

EXAMINED BY MR TAKU

53

CROSS-EXAMINED BY MR FYNN

75

RE-EXAMINED BY MR TAKU

83

WITNESS: DMK-162

85

EXAMINED BY MR OGETO

85